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THE  
STATUTES AT LARGE

OF THE  
PROVISIONAL GOVERNMENT

OF THE  
Confederate States of America,

FROM THE  
INSTITUTION OF THE GOVERNMENT, FEBRUARY 8, 1861, TO  
ITS TERMINATION, FEBRUARY 18, 1862, INCLUSIVE.

*ARRANGED IN CHRONOLOGICAL ORDER.*

TOGETHER WITH  
THE CONSTITUTION FOR THE PROVISIONAL GOVERNMENT,  
AND THE PERMANENT CONSTITUTION OF  
THE CONFEDERATE STATES,

AND  
THE TREATIES CONCLUDED BY THE CONFEDERATE  
STATES WITH INDIAN TRIBES

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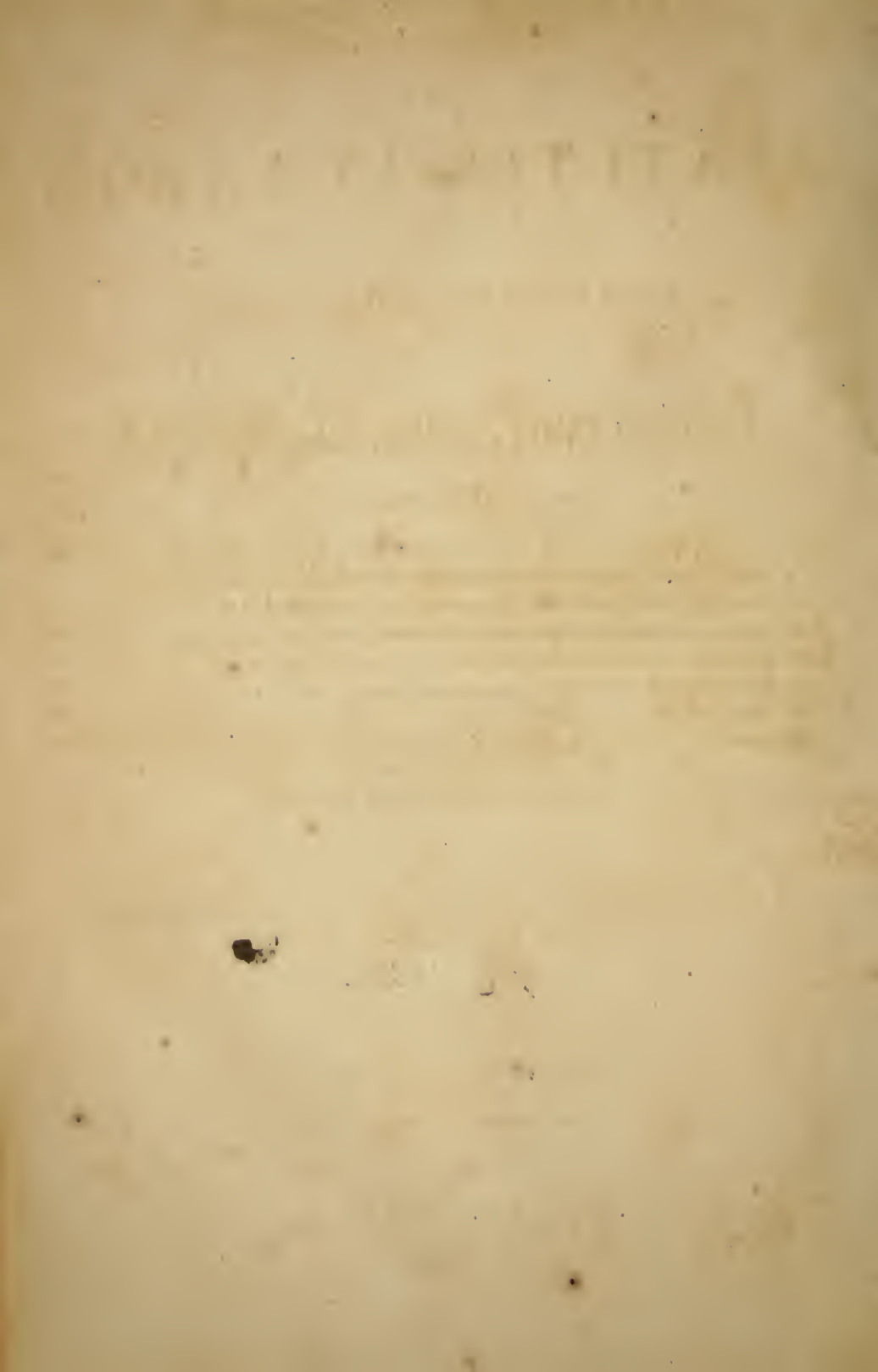
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RICHMOND:  
B. M. SMITH, PRINTER TO CONGRESS.  
1864





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# LIST

OF THE

## PUBLIC ACTS AND RESOLUTIONS

OF THE

### PROVISIONAL CONGRESS,

### AND OF THE PROCLAMATIONS AND TREATIES

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## OF THE

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*The Confederate States of America.* At a Congress of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, begun and holden at the Capitol in Montgomery, in the State of Alabama, on the fourth day of February, in the year of our Lord, one thousand eight hundred and sixty-one; and thence continued, by divers adjournments, until the eighth day of February in the same year:

CONSTITUTION  
FOR THE  
PROVISIONAL GOVERNMENT  
OF THE  
CONFEDERATE STATES OF AMERICA.

We, the Deputies of the Sovereign and Independent States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, invoking the favor of Almighty God, do hereby, in behalf of these States, ordain and establish this Constitution for the Provisional Government of the same: to continue one year from the inauguration of the President, or until a permanent Constitution or Confederation between the said States shall be put in operation, whichsoever shall first occur.

Constitution for Provisional Government, established.

How long to continue.

ARTICLE I.

SECTION 1.

All legislative powers herein delegated shall be vested in this Congress now assembled until otherwise ordained.

Legislative powers vested in Congress.

SECTION 2.

When vacancies happen in the representation from any State, the same shall be filled in such manner as the proper authorities of the State shall direct.

Vacancies in the representation, how filled.

SECTION 3.

1. The Congress shall be the judge of the elections, returns and qualification of its members; any number of Deputies from a majority of the States, being present, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members; upon all questions before the Congress, each State shall be entitled to one vote, and shall be represented by any one or more of its Deputies who may be present.

Congress to be the judge of the elections, returns and qualifications of members. Quorum, how constituted. What number may adjourn.

Each State entitled to one vote. How State represented.

2. The Congress may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

Rules of proceeding.

3. The Congress shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members on any question, shall, at the desire of one-fifth of those present, or at the instance of any one State, be entered on the journal.

Journal of proceedings to be kept.

Yeas and nays.

## SECTION 4.

Compensation of members. How paid.

In what cases members privileged from arrest.

Not to be questioned for any speech or debate.

The members of Congress shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederacy. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of the Congress, and in going to and returning from the same; and for any speech or debate, they shall not be questioned in any other place.

## SECTION 5.

Bills passed by Congress to be presented to President. Proceedings when the President disapproves.

When bill retained by President becomes a law.

President may veto one, and approve another appropriation in same bill.

Orders, resolutions, etc., to be presented to the President. If disapproved by him, how re-passed by Congress.

Until President inaugurated, bills, etc., of force, without his approval.

1. Every bill which shall have passed the Congress, shall, before it become a law, be presented to the President of the Confederacy; if he approve, he shall sign it; but if not, he shall return it with his objections to the Congress, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the Congress shall agree to pass the bill, it shall become a law. But in all such cases, the vote shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner, as if he had signed it, unless the Congress by their adjournment, prevent its return, in which case it shall not be a law. The President may veto any appropriation or appropriations and approve any other appropriation or appropriations in the same bill.

2. Every order, resolution or vote, intended to have the force and effect of a law, shall be presented to the President, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Congress, according to the rules and limitations prescribed in the case of a bill.

3. Until the inauguration of the President, all bills, orders, resolutions and votes adopted by the Congress shall be of full force without approval by him.

## SECTION 6.

Power of Congress to lay taxes to carry on the Government.

Duties to be uniform.

To borrow money.

To regulate commerce.

To establish uniform rule of naturalization and law of bankruptcy.

To coin money. To fix standard of weights and measures.

To punish counterfeiters.

To establish post offices and roads.

To promote science and useful arts.

To constitute inferior tribunals.

To define and punish piracies, etc.

To declare war.

1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, for the revenue necessary to pay the debts and carry on the Government of the Confederacy; and all duties, imposts and excises shall be uniform throughout the States of the Confederacy.

2. To borrow money on the credit of the Confederacy:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the Confederacy:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederacy:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing, for limited times to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the supreme court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years: To raise armies.
13. To provide and maintain a navy: To provide a navy.
14. To make rules for the government and regulation of the land and naval forces: Government of army and navy.
15. To provide for calling forth the militia to execute the laws of the Confederacy, suppress insurrections, and repel invasions: Militia.
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederacy, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress: Organization, etc., of the militia.
17. To make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers expressly delegated by this Constitution to this Provisional Government. To make all laws necessary to carry into effect the powers expressly delegated by the Constitution.
18. The Congress shall have power to admit other States. To admit States.
19. This Congress shall also exercise Executive powers, until the President is inaugurated. To exercise Executive powers till President inaugurated.

## SECTION 7.

1. The importation of African negroes from any foreign country other than the slave-holding States of the United States, is hereby forbidden; and Congress are required to pass such laws as shall effectually prevent the same. Importation of African negroes forbidden.
2. The Congress shall also have power to prohibit the introduction of slaves from any State not a member of this Confederacy. Introduction of slaves prohibited.
3. The privilege of the writ of Habeas Corpus shall not be suspended unless, when in cases of rebellion or invasion, the public safety may require it. Writ of Habeas Corpus.
4. No Bill of Attainder, or *ex post facto* law shall be passed. Bill of Attainder, or *ex post facto* law.
5. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another: nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another. No preference to ports of one State over another.
6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. No money drawn from the treasury but by law. Receipts and expenditures published.
7. Congress shall appropriate no money from the treasury, unless it be asked and estimated for by the President or some one of the heads of Departments, except for the purpose of paying its own expenses and contingencies. Appropriations of money from the treasury. When authorized.
8. No title of nobility shall be granted by the Confederacy; and no person holding any office of profit or trust under it, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince or foreign State. No title of nobility to be granted.
9. Congress shall make no law respecting an establishment of religion or prohibiting the free exercises thereof: or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of such grievances as the delegated powers of this Government may warrant it to consider and redress. Religious freedom  
Freedom of speech and of the press.  
Right of petition.
10. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. Right to bear and keep arms.



Quartering of soldiers.

Unreasonable searches and seizures prohibited.

No warrant to issue but on oath or affirmation.

Trials for capital offences, or infamous crimes.

No one to be twice put in jeopardy of life or limb, for same offence: nor compelled to testify against himself; nor be deprived of life, etc., without process of law.

Private property not to be taken for public use, without compensation.

Trial by jury in criminal cases.

Trial by jury in civil cases.

Excessive bail not to be required, nor excessive fine imposed or punishment inflicted.

Enumeration of certain rights not to be construed to deny others retained by people.

Reserved powers.

Limitation of the judicial power.

11. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

12. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

13. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

15. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of the common law.

16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

17. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

18. The powers not delegated to the Confederacy by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

19. The judicial power of the Confederacy shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States of the Confederacy, by citizens of another State, or by citizens or subjects of any foreign State.

#### SECTION 8.

Limitation of the powers of the States.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the Confederacy, and all such laws shall be subject to the revision and control of the Congress. No State, shall, without the consent of Congress, lay any duty of tonnage, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.



## ARTICLE II.

## SECTION 1.

1. The Executive power shall be vested in a President of the Confederate States of America. He, together with the Vice President, shall hold his office for one year, or until this Provisional Government shall be superceded by a Permanent Government, whichever shall first occur.

Executive power vested in President.

Duration of his office and of the office of Vice-President.

2. The President and Vice-President shall be elected by ballot by the States represented in this Congress, each State casting one vote, and a majority of the whole being requisite to elect.

Manner of electing President and Vice President.

3. No person, except a natural born citizen, or a citizen of one of the States of this Confederacy at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.

Qualifications of the President.

4. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, (which inability shall be determined by a vote of two-thirds of the Congress,) the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Vacancy in office of President; how supplied.

5. The President shall at stated times receive for his services, during the period of the Provisional Government, a compensation at the rate of twenty-five thousand dollars per annum; and he shall not receive during that period any other emolument from this Confederacy, or any of the States thereof.

Compensation for the services of the President.

6. Before he enter on the execution of his office, he shall take the following oath or affirmation:

Oath of office of President.

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States of America, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof.

## SECTION 2.

1. The President shall be Commander-in-Chief of the Army and Navy of the Confederacy, and of the militia of the several States, when called into the actual service of the Confederacy; he may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederacy, except in cases of impeachment.

Powers and duties of the President.

May grant reprieves and pardons.

2. He shall have power, by and with the advice and consent of the Congress, to make treaties; provided two-thirds of the Congress concur: and he shall nominate, and by and with the advice and consent of the Congress, shall appoint ambassadors, other public ministers and consuls, judges of the courts, and all other officers of the Confederacy whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

May make treaties, by and with consent of Congress.

Appointments to office.

3. The President shall have power to fill up all vacancies that may

Vacancies during

the recess of Congress, happen during the recess of the Congress, by granting commissions, which shall expire at the end of their next session.

## SECTION 3.

President to give Congress information of the state of the Confederacy.

May convene Congress on extraordinary occasions.

Other powers and duties.

Removals from office on conviction of crimes.

1. He shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene the Congress at such times as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the Confederacy.

2. The President, Vice-President, and all civil officers of the Confederacy shall be removed from office on conviction by the Congress of treason, bribery, or other high crimes and misdemeanors: a vote of two-thirds shall be necessary for such conviction.

## ARTICLE III.

## SECTION 1.

Judicial power vested in Supreme Court, etc.

District Courts established; their jurisdiction.

Appeals from District Courts to the Supreme Court.

When commissions of the judges expire.

Supreme Court constituted of the District Judges; when and where to sit.

Transfer of causes in the Courts of the United States, to the courts of the Confederacy.

Decrees, etc., of U. S. courts.

Protection of parties to suits.

1. The judicial power of the Confederacy shall be vested in one Supreme Court, and in such inferior courts as are herein directed, or as the Congress may from time to time ordain and establish.

2. Each State shall constitute a District,\* in which there shall be a court called a District Court, which, until otherwise provided by the Congress, shall have the jurisdiction vested by the laws of the United States, as far as applicable, in both the District and Circuit Courts of the United States, for that State; the Judge whereof shall be appointed by the President, by and with the advice and consent of the Congress, and shall, until otherwise provided by the Congress, exercise the power and authority vested by the laws of the United States in the Judges of the District and Circuit Courts of the United States, for that State, and shall appoint the times and places at which the courts shall be held. Appeals may be taken directly from the District Courts to the Supreme Court, under similar regulations to those which are provided in cases of appeal to the Supreme Court of the United States, or under such regulations as may be provided by the Congress. The commissions of all the judges shall expire with this Provisional Government.

3. The Supreme Court shall be constituted of all the District Judges, a majority of whom shall be a quorum, and shall sit at such times and places as the Congress shall appoint.

4. The Congress shall have power to make laws for the transfer of any causes which were pending in the courts of the United States, to the courts of the Confederacy, and for the execution of the orders, decrees and judgments heretofore rendered by the said courts of the United States; and also all laws which may be requisite to protect the parties to all such suits, orders, judgments, or decrees, their heirs, personal representatives, or assignees.

## SECTION 2.

Extent of judicial power.

1. The judicial power shall extend to all cases of law and equity, arising under this Constitution, the laws of the United States, and of this Confederacy, and treaties made, or which shall be made, under its authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederacy shall be a party; controversies between

\* This paragraph amended. See post, p. 9.

two or more States; between citizens of different States; between citizens of the same States claiming lands under grants of different States.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Original jurisdiction of the Supreme Court.

Appellate jurisdiction.

3. The trial of all crimes except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Trial by jury.

#### SECTION 3.

1. Treason against this Confederacy shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

What constitutes treason, and how to be proved.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

Punishment of treason. Not to work corruption of blood, etc.

### ARTICLE IV.

#### SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect of such proof.

The public acts, etc., of the States to have full faith and credit.

#### SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Citizens of the States entitled to equal privileges.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from justice.

3. A slave in one State, escaping to another, shall be delivered up on claim of the party to whom said slave may belong by the executive authority of the State in which such slave shall be found, and in case of any abduction or forcible rescue, full compensation, including the value of the slave and all costs and expenses, shall be made to the party, by the State in which such abduction or rescue shall take place.

Fugitive slaves.

In case of abduction or rescue of slave, full compensation to be made.

#### SECTION 3.

1. The Confederacy shall guarantee to every State in this union, a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

Republican form of government guaranteed to each State; and protection from invasion and domestic violence.



# PROVISIONAL CONSTITUTION.

## ARTICLE V.

Amendments to  
Constitution.

1. The Congress, by a vote of two-thirds, may, at any time, alter or amend this Constitution.

## ARTICLE VI.

The Constitution,  
laws of the Confed-  
eracy and treaties, the  
supreme law of the  
land.

1. This Constitution, and the laws of the Confederacy which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederacy, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

All matters between  
the States forming  
this Government, and  
their late confeder-  
ates of the United  
States, to be settled.

2. The Government hereby instituted shall take immediate steps for the settlement of all matters between the States forming it, and their other late confederates of the United States in relation to the public property and public debt at the time of their withdrawal from them; these States hereby declaring it to be their wish and earnest desire to adjust everything pertaining to the common property, common liability and common obligations of that union, upon the principles of right, justice, equity, and good faith.

Seat of Govern-  
ment.

3. Until otherwise provided by the Congress, the city of Montgomery in the State of Alabama, shall be the seat of Government.

Oath of members of  
Congress, and of ex-  
ecutive and judicial  
officers.

No religious test  
required as qualifica-  
tion for office.

4. The members of the Congress and all executive and judicial officers of the Confederacy shall be bound by oath or affirmation to support this Constitution; but no religious test shall be required as a qualification to any office or public trust under this Confederacy.

Done in the Congress, by the unanimous consent of all the said States, the Eighth day of February, in the year of our Lord, One Thousand, Eight Hundred and Sixty-One; and of the Confederate States of America, the first. In witness whereof, we have hereunto subscribed our names.

HOWELL COBB,

*President of the Congress.*

*South Carolina.*—R. Barnwell Rhett, R. W. Barnwell, James Chesnut, Jr., C. G. Memminger, Wm. Porcher Miles, Lawrence M. Keitt, William W. Boyce, Tho. J. Withers.

*Georgia.*—R. Toombs, Francis S. Bartow, Martin J. Crawford, E. A. Nisbet, Benjamin H. Hill, Augustus R. Wright, Thos. R. R. Cobb, A. H. Kenan, Alexander H. Stephens.

*Florida.*—Jackson Morton, Jas. B. Owens, J. Patton Anderson.

*Alabama.*—Richard W. Walker, Robt. H. Smith, Colin J. McRae, Jno. Gill Shorter, William Parish Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, J. L. M. Curry.

*Mississippi.*—W. P. Harris, Alex. M. Clayton, W. S. Wilson, James T. Harrison, Walker Brooke, William S. Barry, J. A. P. Campbell.

*Louisiana.*—John Perkins, Jr., Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Edward Sparrow, Henry Marshall.

By a vote of the Congress, on the second day of March, in the year 1861, the Deputies from the State of Texas were authorized to sign the Provisional Constitution above written.

Attest, J. J. HOOPER,

*Secretary.*

*Texas.*—Thomas M. Waul, Williamson S. Oldham, John Gregg, John H. Reagan, W. B. Ochiltree, John Hemphill, Louis T. Wigfall.

AMENDMENT  
TO THE  
PROVISIONAL CONSTITUTION  
OF THE  
CONFEDERATE STATES.

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*An Ordinance of the Convention of the Congress of the Confederate States.*

May 21, 1861.

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*Be it ordained by the Congress of the Confederate States of America,* That the second paragraph of the first section of the third Article of the Constitution of the Confederate States of America, be so amended in the first line of said paragraph, as to read, "Each state shall, until otherwise enacted by law, constitute a district;" and in the sixth line, after the word "judge," add "or judges."

Amendment to 2nd  
of 1st § 3rd art. of  
Provisional Constitu-  
tion.

APPROVED May 21, 1861.





# CONSTITUTION

## OF THE

### CONFEDERATE STATES OF AMERICA.

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We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity—invoking the favor and guidance of Almighty God—do ordain and establish this Constitution for the Confederate States of America.

Purposes for which the Constitution was ordained and established.

#### ARTICLE I.

##### SECTION 1.

All legislative powers herein delegated shall be vested in a Congress of the Confederate States, which shall consist of a Senate and House of Representatives.

Legislative power vested in Congress.

##### SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall be citizens of the Confederate States, and have the qualifications requisite for electors of the most numerous branch of the State Legislature; but no person of foreign birth, not a citizen of the Confederate States, shall be allowed to vote for any officer, civil or political, State or Federal.

House of Representatives; when chosen; qualification of electors.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and be a citizen of the Confederate States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Qualifications of Representative.

3. Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. The actual enumeration shall be made within three years after the first meeting of the Congress of the Confederate States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every fifty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of South Carolina shall be entitled to choose six; the State of Georgia ten; the State of Alabama nine; the State of Florida two; the State of Mississippi seven; the State of Louisiana six; and the State of Texas six.

How Representatives and direct taxes are apportioned.

Census to be taken every ten years.

Ratio of representation limited.

Vacancies in the representation; how filled.

House chooses its officers, and has power of impeachment.

4. When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.

#### SECTION 3.

Senate; how composed. Senators; how chosen.

Senators divided into three classes.

When seats of Senators vacated.

Executive of a State may fill vacancy during recess of Legislature.

Qualifications of Senators.

Vice President is President of Senate; votes only on equal division.

Senate chooses its officers. When it may choose President *pro tempore*.

Senate has sole power to try impeachments.

Chief Justice presides when President is tried.

Extent of judgment on impeachment.

Partly convicted subject to indictment at law.

1. The Senate of the Confederate States shall be composed of two Senators from each State, chosen for six years by the Legislature thereof, at the regular session next immediately preceding the commencement of the term of service; and each Senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained the age of thirty years, and be a citizen of the Confederate States; and who shall not, when elected, be an inhabitant of the State for which he shall be chosen.

4. The Vice President of the Confederate States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers; and also a President *pro tempore* in the absence of the Vice President, or when he shall exercise the office of President of the Confederate States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the Confederate States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the Confederate States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment according to law.

#### SECTION 4.

Time, place, and manner of electing Senators and Representatives; how prescribed.

How often and when Congress to meet.

1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof, subject to the provisions of this Constitution; but the Congress may, at any time, by law, make or alter such regulations, except as to the times and places of choosing Senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House the judge of elections, &c., of its own members. A majority to constitute a quorum.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds of the whole number expel a member.

Each House to determine its own rules.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Each House to keep a journal.

Yeas and nays.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Adjournment of one House by consent of the other.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the Confederate States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

Compensation of members; their privileges.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederate States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederate States shall be a member of either House during his continuance in office. But Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.

Disability to hold certain offices.

Principal officers in the Departments may sit in Congress; and discuss certain measures.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Bills for raising revenue; where to originate.

2. Every bill which shall have passed both Houses, shall, before it becomes a law, be presented to the President of the Confederate States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in

Power of the President and Congress in enacting laws, and proceedings therein.



like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return; in which case it shall not be a law. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.

Same as to resolutions, etc.

3. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on a question of adjournment,) shall be presented to the President of the Confederate States; and before the same shall take effect, shall be approved by him; or being disapproved by him, shall be re-passed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

#### SECTION 8.

The Congress shall have power—

Power of Congress.

To lay taxes; but not to grant bounties; nor to lay taxes or duties to foster any branch of industry.

Duties to be uniform.

To borrow money.

To regulate commerce; but not to appropriate money for internal improvements, except for certain purposes.

When to lay duties on navigation.

To make laws as to naturalization and bankruptcy.

To coin money, and fix the standard of weights and measures.

To punish counterfeiters.

To establish post-offices.

To promote science and useful arts.

To constitute inferior Courts.

To punish piracies and felonies on the high seas.

To declare war, etc.

To raise armies.

1. To lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts, provide for the common defence, and carry on the government of the Confederate States; but no bounties shall be granted from the treasury; nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry; and all duties, imposts, and excises shall be uniform throughout the Confederate States:

2. To borrow money on the credit of the Confederate States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes; but neither this, nor any other clause contained in the constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof:

4. To establish uniform laws of naturalization, and uniform laws on the subject of bankruptcies, throughout the Confederate States; but no law of Congress shall discharge any debt contracted before the passage of the same:

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the Confederate States:

7. To establish post-offices and post-routes; but the expenses of the Post-office Department, after the first day of March in the year of our Lord eighteen hundred and sixty-three, shall be paid out of its own revenues:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy: To provide a Navy.
14. To make rules for the government and regulation of the land and naval forces: To make rules for Army and Navy.
15. To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions: To provide for calling out the militia.
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress: To provide for organizing militia, etc.
17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of one or more States and the acceptance of Congress, become the seat of the government of the Confederate States: and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings: and To exercise exclusive legislation over seat of government over the C. S., and certain other places.
18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the Confederate States, or in any department or officer thereof. To make all laws necessary and proper to execute other powers.

SECTION 9.

1. The importation of negroes of the African race, from any foreign country other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same. Importation of African negroes forbidden.
2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy. Introduction of slaves prohibited.
3. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it. Writ of *habeas corpus* not to be suspended.
4. No bill of attainder, *ex post facto* law, or law denying or impairing the right of property in negro slaves shall be passed. Bills of attainder, or *ex post facto* laws, or laws impairing right of property in slaves.
5. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
6. No tax or duty shall be laid on articles exported from any State, except by a vote of two-thirds of both Houses. No tax on articles exported from any State.
7. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. No preference to ports of one State over another.
8. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. No money drawn from the treasury but by law. Receipts and expenditures published.
9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of departments, and submitted to Congress by the President; or for the purpose of paying its own expenses and contingencies; or for the payment of claims against the Confederate States, the justice of which shall have been judicially declared by a tribunal for the investigation of claims against the government, which it is hereby made the duty of Congress to establish. Appropriations of money from the treasury; when authorized.
10. All bills appropriating money shall specify in federal currency the exact amount of each appropriation and the purposes for which it Bills appropriating money; what to specify.

Congress to grant no extra compensation to contractors and officers.

Titles of nobility not to be granted,

Officers of U. S. not to accept presents from foreign States.

Religious freedom.

Freedom of speech and of the press.

Right of petition.

Right to bear and keep arms.

Quartering of soldiers.

Unreasonable searches and seizures prohibited.

No warrant to issue but on oath.

Trials for capital offences or infamous crimes.

No one to be twice put in jeopardy of life or limb for same offence.

Private property not to be taken without compensation.

Trial by jury in criminal cases.

Trial by jury in civil cases.

Excessive bail not to be required, nor excessive fines imposed or punishment inflicted.

Laws to relate to but one subject to be expressed in the title.

Limitation of the powers of the States.

is made ; and Congress shall grant no extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered.

11. No title of nobility shall be granted by the Confederate States, and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

12. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ; or abridging the freedom of speech, or of the press ; or the right of the people peaceably to assemble and petition the government for a redress of grievances.

13. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

14. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

15. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

16. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger ; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb ; nor be compelled, in any criminal case, to be a witness against himself ; nor be deprived of life, liberty, or property without due process of law ; nor shall private property be taken for public use, without just compensation.

17. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him : to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defence.

18. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact so tried by a jury shall be otherwise re-examined in any court of the Confederacy, than according to the rules of common law.

19. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

20. Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

#### SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; make any thing but gold and silver coin a tender in payment of debts ; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any



imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the Confederate States; and all such laws shall be subject to the revision and control of Congress.

3. No State shall, without the consent of Congress, lay any duty on tonnage, except on sea-going vessels, for the improvement of its rivers and harbors navigated by the said vessels; but such duties shall not conflict with any treaties of the Confederate States with foreign nations; and any surplus revenue, thus derived, shall, after making such improvement, be paid into the common treasury. Nor shall any State keep troops or ships-of-war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay. But when any river divides or flows through two or more States, they may enter into compacts with each other to improve the navigation thereof.

## \* ARTICLE II.

### SECTION 1.

1. The executive power shall be vested in a President of the Confederate States of America. He and the Vice President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice President shall be elected as follows:

Executive powers vested in President.  
Term of office of President and Vice President.

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or person holding an office of trust or profit under the Confederate States, shall be appointed an elector.

Electors of President and Vice President. Number for each State.

3. The electors shall meet in their respective States and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the Confederate States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States—the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following,

Meetings of electors, and their proceedings.

Election of President.

then the Vice President shall act as President, as in case of the death, or other constitutional disability of the President.

Election of Vice President.

4. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

Person ineligible to office of Vice President.

5. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the Confederate States.

Congress to prescribe time of choosing electors, and the day they vote.

6. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the Confederate States.

Eligibility to the office of President.

7. No person except a natural born citizen of the Confederate States, or a citizen thereof at the time of the adoption of this Constitution, or a citizen thereof born in the United States prior to the 20th of December, 1860, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election.

Vice President to act when office of President vacant.

8. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

Compensation of the President.

9. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the Confederate States, or any of them.

Oath to be taken by President.

10. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the Confederate States, and will, to the best of my ability, preserve, protect, and defend the Constitution thereof."

## SECTION 2.

Powers and duties of the President.

1. The President shall be commander-in-chief of the army and navy of the Confederate States, and of the militia of the several States, when called into the actual service of the Confederate States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the Confederate States, except in cases of impeachment.

May grant reprieves and pardons.

May make treaties by and with the advice and consent of Congress.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties; provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not herein otherwise provided for, and which shall be established by-law; but the Congress may, by law, vest the appointment of such inferior officers, as they think proper,

Appointments to office.

in the President alone, in the courts of law, or in the heads of departments.

3. The principal officer in each of the executive departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the executive departments may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

When, and by whom, officers may be removed from office.

4. The President shall have power to fill all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session; but no person rejected by the Senate shall be re-appointed to the same office during their ensuing recess.

President to fill vacancies during recess of Senate.

#### SECTION 3.

1. The President shall, from time to time, give to the Congress information of the state of the Confederacy, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the Confederate States.

President to give Congress information of the state of the Confederacy.

May convene Congress on extraordinary occasions.

When he may adjourn Congress.

Shall receive ambassadors and ministers; and commission officers.

#### SECTION 4.

1. The President, Vice President, and all civil officers of the Confederate States, shall be removed from office on impeachment, for and conviction of, treason, bribery, or other high crimes and misdemeanors.

Removals from office by impeachment and conviction of crimes.

### ARTICLE III.

#### SECTION 1.

1. The judicial power of the Confederate States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Judicial power vested in one Supreme Court, etc. Term of office and compensation of judges.

#### SECTION 2.

1. The judicial power shall extend to all cases arising under this Constitution, the laws of the Confederate States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederate States shall be a party; to controversies between two or more States; between a State and citizens of another State, where the State is plaintiff; between citizens claiming lands under grants of different States; and between a State or the citizens thereof, and foreign states, citizens or subjects; but no State shall be sued by a citizen or subject of any foreign state.

Extent of the judicial power.



When Supreme Court has original jurisdiction; when appellate.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

All crimes to be tried by jury.

Where such trials to be.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

#### SECTION 3.

What constitutes treason and how to be proved.

1. Treason against the Confederate States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Congress to prescribe punishment of treason. Not to work corruption of blood, etc.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

### ARTICLE IV.

#### SECTION 1.

Credit to be given in one State to public Acts, etc., of another.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

#### SECTION 2.

Citizens of each State entitled to privileges, etc., in other States.

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States; and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.

Fugitives from justice.

2. A person charged in any State with treason, felony, or other crime against the laws of such State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitive slaves.

3. No slave or other person held to service or labor in any State or Territory of the Confederate States, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor: but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due.

#### SECTION 3.

New States may be admitted into the Confederacy.

1. Other States may be admitted into this Confederacy by a vote of two-thirds of the whole House of Representatives and two-thirds of the Senate, the Senate voting by States; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of

States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all need-ful rules and regulations concerning the property of the Confederate States, including the lands thereof.

Power of Congress over the property of the Confederate States

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. In all such territory, the institution of negro slavery, as it now exists in the Confederate States, shall be recognized and protected by Congress and by the territorial government; and the inhabitants of the several Confederate States and Territories shall have the right to take to such territory any slaves lawfully held by them in any of the States or Territories of the Confederate States.

New territory may be acquired; Congress to prescribe government for its inhabitants. When they may form States.

Negro slavery to be recognized and protected in territories.

4. The Confederate States shall guarantee to every State that now is, or hereafter may become, a member of this Confederacy, a republican form of government; and shall protect each of them against invasion; and on application of the legislature, (or of the executive, when the legislature is not in session,) against domestic violence.

Republican form of government guaranteed to each State.

Protection of States against invasion, etc.

## ARTICLE V.

### SECTION 1.

1. Upon the demand of any three States, legally assembled in their several conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

Mode of amending the Constitution.

## ARTICLE VI.

1. The Government established by this Constitution is the successor of the Provisional Government of the Confederate States of America, and all the laws passed by the latter shall continue in force until the same shall be repealed or modified: and all the officers appointed by the same shall remain in office until their successors are appointed and qualified, or the offices abolished.

Character of the government established by this Constitution.

Officers appointed by the Provisional Government remain in office.

2. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the Confederate States under this Constitution, as under the Provisional Government.

Debts, etc., heretofore contracted, valid against C. S.

3. This Constitution, and the laws of the Confederate States made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the Confederate States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

What is the supreme law of the land.

Oath to support the Constitution; by whom to be taken.

No religious test shall be required.

Enumeration of certain rights, not to deny others retained by people.

Reserved powers.

4. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the Confederate States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the Confederate States.

5. The enumeration, in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people of the several States.

6. The powers not delegated to the Confederate States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people thereof.

## ARTICLE VII.

Ratification of this Constitution.

1. The ratification of the conventions of five States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Congress, under the Provisional Constitution, to prescribe time for holding election of President and Vice President, meeting of the electors, etc., and time for holding first election of members of Congress.

2. When five States shall have ratified this Constitution, in the manner before specified, the Congress under the Provisional Constitution shall prescribe the time for holding the election of President and Vice President; and for the meeting of the Electoral College; and for counting the votes, and inaugurating the President. They shall, also, prescribe the time for holding the first election of members of Congress under this Constitution, and the time for assembling the same. Until the assembling of such Congress, the Congress under the Provisional Constitution shall continue to exercise the legislative powers granted them; not extending beyond the time limited by the Constitution of the Provisional Government.

How long Congress under the Provisional Constitution to exercise power.

Adopted unanimously by the Congress of the Confederate States of South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana and Texas, sitting in Convention at the capitol, in the city of Montgomery, Alabama, on the Eleventh day of March, in the year Eighteen Hundred and Sixty-One.

HOWELL COBB,

*President of the Congress.*

*South Carolina.*—R. Barnwell Rhett, C. G. Memminger, Wm. Porcher Miles, James Chesnut, Jr., R. W. Barnwell, William W. Boyce, Lawrence M. Keitt, T. J. Withers.

*Georgia.*—Francis S. Bartow, Martin J. Crawford, Benjamin H. Hill, Thos. R. R. Cobb.

*Florida.*—Jackson Morton, J. Patton Anderson, Jas. B. Owens.

*Alabama.*—Richard W. Walker, Robt. H. Smith, Colin J. McRae; William P. Chilton, Stephen F. Hale, David P. Lewis, Tho. Fearn, Jno. Gill Shorter, J. L. M. Curry.

*Mississippi.*—Alex. M. Clayton, James T. Harrison, William S. Barry, W. S. Wilson, Walker Brooke, W. P. Harris, J. A. P. Campbell.

*Louisiana.*—Alex. de Clouet, C. M. Conrad, Duncan F. Kenner, Henry Marshall.

*Texas.*—John Hemphill, Thomas N. Waul, John H. Reagan, Williamson S. Oldham, Louis T. Wigfall, John Gregg, William Beck Ochiltree.



## EXTRACT FROM THE JOURNAL OF THE CONGRESS.

CONGRESS, March 11, 1862.

On the question of the adoption of the Constitution of the Confederate States of America, the vote was taken by yeas and nays; and the Constitution was unanimously adopted, as follows:

Those who voted in the affirmative being Messrs. Walker, Smith, Curry, Hale, McRae, Shorter, and Fearn, of Alabama, (Messrs. Chilton and Lewis being absent); Messrs. Morton, Anderson, and Owens, of Florida; Messrs. Toombs, Howell Cobb, Bartow, Nisbet, Hill, Wright, Thomas R. R. Cobb, and Stephens, of Georgia, (Messrs. Crawford and Kenan being absent); Messrs. Perkins, de Clouet, Conrad, Kenner, Sparrow, and Marshall, of Louisiana; Messrs. Harris, Brooke, Wilson, Clayton, Barry, and Harrison, of Mississippi, (Mr. Campbell being absent); Messrs. Rhett, Barnwell, Keitt, Chesnut, Memminger, Miles, Withers, and Boyce, of South Carolina; Messrs. Reagan, Hemphill, Waul, Gregg, Oldham, and Ochiltree, of Texas, (Mr. Wigfall being absent).

A true copy:

J. J. HOOPER,  
*Secretary of the Congress.*

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CONGRESS, March 11, 1861.

I do hereby certify that the foregoing are, respectively, true and correct copies of "The Constitution of the Confederate States of America," unanimously adopted this day, and of the yeas and nays on the question of the adoption thereof.

HOWELL COBB,  
*President of the Congress.*









# THE LAWS OF THE CONFEDERATE STATES.

## PUBLIC ACTS OF THE PROVISIONAL CONGRESS

### OF THE CONFEDERATE STATES.

*Passed at the first session of the Provisional Congress, which was begun and held at the City of Montgomery, on Monday, February 4, 1861, and continued to March 16, 1861.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice President of the Confederate States. HOWELL COBB, President of the Congress.

### STATUTE I.

CHAPTER I.—*An Act to continue in force certain laws of the United States of America.*

February 9, 1861.

*Be it enacted by the Confederate States of America in Congress assembled,* That all the laws of the United States of America in force and in use in the Confederate States of America on the first day of November last, and not inconsistent with the Constitution of the Confederate States, be and the same are hereby continued in force until altered or repealed by the Congress.

Certain laws of the United States continued in force.

ADOPTED February 9, 1861.

CHAP. II.—*An Act to continue in office the Officers connected with the Collection of the Customs in the Confederate States of America.*

February 14, 1861.

*Be it enacted by the Confederate States of America in Congress assembled,* That the several officers who, at the time of the adoption of the Constitution of the Provisional Government of these states, held and exercised any office connected with the collection of the customs, duties and imposts in the several states of this Confederacy, or as assistant treasurers entrusted with keeping the moneys arising therefrom, are hereby appointed to the several offices which at the said date they respectively held; and they shall have the same powers, be subject to the same duties, and be entitled to the same salaries, fees and emoluments as are set forth and provided in and by the laws of the United States of America, until the first day of April next: *Provided,* That the maximum of compensation which each collector shall receive from all sources shall not exceed the rate of five thousand dollars per annum..

Custom House officers and assistant treasurers, continued in office.

See resolution of Feb. 14, 1861.

Their salaries, fees, etc.

To execute bond.

SEC. 2. Each collector so appointed shall, within two weeks from the date of this act, execute to the Confederate States of America a bond in the same amount and subject to a like condition with his last bond to the United States of America, with sureties to be approved by a judge of any superior or circuit court of the state where such collector is located. And each of the other officers shall, within one week after the collector shall have entered upon the discharge of his duties, execute to the Confederate States of America a bond in the same amount and subject to the like condition with his last bond to the United States of America, (in case he was required to execute a bond,) with sureties to be approved by the collector of the port where such office is located.

And take certain oaths.

SEC. 3. The said several officers shall take an oath before a magistrate, well and faithfully to discharge the duties of his office, and to support the constitution of the Provisional Government of the Confederate States of America; which said oath shall be endorsed upon the bond; and the bond shall be filed in the office of the Secretary of the Treasury, or in such other place as he may direct.

ADOPTED February 14, 1861.

Where bond to be filed.

February 18, 1861. CHAP. III.—*An Act to exempt from duty certain commodities therein named, and for other purposes.*

Articles exempt from duty.

*Be it enacted by the Confederate States of America in Congress assembled,* That the following articles shall be exempt from duty and admitted free into said states, to wit: Bacon, pork, hams, lard, beef, fish of all kinds, wheat and flour of wheat and flour of all other grains, Indian corn and meal, barley and barley flour, rye and rye flour, oats and oat meal, gunpowder and all the materials of which it is made, lead in all forms, arms of every description, and munitions of war and military accoutrements, percussion caps, living animals of all kinds; also all agricultural products in their natural state.

Goods imported from any one of the late U. S. not a member of the C. S. exempt from duty.

SEC. 2. *And be it further enacted,* That all goods, wares and merchandise imported from any one of the late United States of America, not being now a member of this Confederacy, into this Confederacy, before the fourth day of March next, which may have been *bona fide* purchased heretofore, or within ten days after the passage of this act, shall be exempt and free from duty.

State of Texas exempted from operation of the tariff.

SEC. 3. *And be it further enacted,* That the State of Texas be and is hereby exempted from the operation of the tariff laws heretofore passed and adopted by this Congress.

ADOPTED February 18, 1861.

February 20, 1861.

CHAP. IV.—*An Act to provide Munitions of War, and for other purposes.*

Contracts for the purchase, manufacture and alteration of arms, authorized.

SEC. 1. *Be it enacted by the Confederate States of America in Congress assembled,* That the President, or the Secretary of War, under his direction, is hereby authorized and empowered to make contracts for the purchase and manufacture of heavy ordnance and small arms; and of machinery for the manufacture or alteration of small arms and munitions of war, and to employ the necessary agents and artisans for these purposes; and to make contracts for the establishment of powder mills and the manufacture of powder; and the President is authorized

Agents and artisans may be employed.



to make contracts provided for in this act, in such manner and on such terms as in his judgment the public exigencies may require.

APPROVED February 20, 1861.

CHAP. V.—*An Act to authorize the President to appoint a Private Secretary.*

February 20, 1861.

*Be it enacted by the Confederate States of America in Congress assembled, and it is hereby enacted by the authority of the same,* That the President of the Confederate States of America be and he is hereby authorized to appoint a private secretary; through whom he may communicate with Congress, and who shall discharge such duties as may be assigned him by the President, and shall receive such compensation for his services as shall be fixed by law.

President authorized to appoint a private Secretary.

His compensation.  
See Acts March 7, 1861, and May 21, 1861.

APPROVED February 20, 1861.

CHAP. VI.—*An Act to determine the Salaries of the Vice President and of the Heads of Departments.*

February 21, 1861.

*The Congress of the Confederate States of America do enact,* That the annual compensation of the Vice President, and of the Secretaries of State, of the Treasury, of War, of the Navy, the Postmaster General, and the Attorney General, shall be at the rate of six thousand dollars, payable quarterly in advance.

Salaries of the Vice President and Heads of the Departments.

APPROVED February 21, 1861.

CHAP. VII.—*An Act to organize the Department of State.*

February 21, 1861.

*The Congress of the Confederate States of America do enact,* That there shall be an executive department, to be denominated the Department of State; and there shall be a principal officer therein, to be called the Secretary of State, who shall perform and execute such duties as shall from time to time be enjoined on or entrusted to him by the President of the Confederate States, agreeably to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls from the Confederate States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers and other foreigners, or to such other matters respecting foreign affairs as the President of the Confederate States shall assign to the said department; and, furthermore, the said principal officer shall conduct the business of the said department in such manner as the President of the Confederate States shall from time to time order or instruct. Said Secretary shall be appointed by the President, by and with the advice and consent of the Congress, and shall receive a compensation to be ascertained and regulated by law.

State Department organized.

Duties of Secretary of State.

By whom appointed; his compensation.

SEC. 2. *Be it further enacted,* It shall be the duty of the Secretary of State to keep and preserve all bills and resolutions of the Congress having been approved or signed by the President, or otherwise become laws; and he shall carefully preserve the originals, and shall, as soon as conveniently may be after he shall receive the same, cause every such law, order and resolution to be published, in at least three public newspapers published within the Confederate States, and shall also cause two printed copies, duly authenticated, to be sent to the executive authority of each state. It shall be the duty of the secretary to

To keep and preserve the laws.

This clause repealed.  
See Act of Aug. 5, 1861. Sections 1, 2, 3.

And publish the same.

To keep and affix the seal of the C. S.

keep the great seal of the Confederate States, and to make out and record and affix said seal to all civil commissions to officers of the Confederate States to be appointed by the President, by and with the advice of the Congress, or by the President alone: *Provided*, That said seal shall not be affixed to any commission before it is signed by the President, nor to any other instrument or act without the special warrant of the President therefor. The said secretary shall also cause a seal of office to be made for said department, of such device as the President shall approve; and all copies of records and papers in said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

To cause a seal to be made for his Department; authentication of records under said seal.

Clerks in State Department; their compensation, and oath of office.

SEC. 3. *Be it further enacted*, That there shall be in the said department a chief clerk, to be appointed by the secretary, and such other clerks as from time to time may be found necessary and authorized by the Congress, who shall receive a compensation for their services to be fixed by law: and the Secretary of State, and every other person to be appointed or employed in said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

Fees of office.

SEC. 4. *Be it further enacted*, There shall be paid to the secretary, for the use of the Confederate States, the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the Confederate States in a matter relating to the duties of his office, to-wit: For making out and authenticating copies of records, ten cents for each hundred words; for authenticating a copy of a record or paper, under the seal of office, one dollar.

SEC. 5. *And be it further enacted*, This act shall be in force and take effect from and after its passage.

APPROVED February 21, 1861.

February 21, 1861.

CHAP. VIII.—An Act to establish the Treasury Department.

Treasury Department established.

Officers in said Department.

*The Congress of the Confederate States of America do enact*, That there shall be an executive department known as the Department of Treasury, in which shall be the following officers, namely: A Secretary of the Treasury, to be deemed the head of the department; a Comptroller, an Auditor, a Register, a Treasurer, and an Assistant to the Secretary of the Treasury, which assistant shall be appointed by the said Secretary; all of which officers shall receive such salaries, respectively, as may be provided by law.

Duties of Secretary of the Treasury.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to superintend the collection of the public revenue; to digest and prepare plans for the improvement and management thereof, and for the support of the public credit; to prepare and report estimates of the public revenue and the public expenditures; to decide on the forms of keeping and stating accounts and making returns, and to grant, under the limitations herein established or to be hereafter provided, all warrants for moneys to be paid into the Treasury, and all warrants for moneys to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the public property belonging to the Confederate States as by law may be required of him; to make reports and give information to the Congress or the President—in person or in writing, as may be required—concerning all matters referred to him by the Congress or the President, respectively, and which shall appertain to his office; and

generally to perform all such services relative to the finances, and all such other duties, as he may by law be directed to perform.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall have power to appoint a chief clerk, and also such other clerks, from time to time, as he may deem necessary, and Congress may authorize by law, which officers shall respectively receive such compensation as may be provided by law.

May appoint clerks; their compensation.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury shall cause to be procured an official seal for the Department of Treasury, to be approved by the President; and copies of all official papers or records in said department, certified under the seal thereof, shall be received in evidence in all the courts of the Confederate States, in lieu of such original papers or records.

Shall procure an official seal.

Copies of records, &c., under seal received as evidence.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Assistant Secretary of the Treasury to examine all letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform all such other duties as may be devolved on him by law or by the Secretary of the Treasury.

Duties of Assistant Secretary of Treasury.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury which shall be authorized by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall, moreover, provide for the regular and punctual payment of all moneys which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are or shall be due to the Confederate States.

Duties of the Comptroller.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts, with the vouchers and certificate, to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited be dissatisfied therewith, he may appeal to the Comptroller against such settlement.

Duties of the Auditor.

SEC. 8. *And be it further enacted*, That the Auditor of the public accounts shall be empowered to administer oaths or affirmations to witnesses, in any case in which he may deem it necessary or proper for the due examination of the accounts with which he may be charged.

Auditor may administer oaths.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the Confederate States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with their vouchers and certificates; to record all warrants for the receipt or payment of moneys at the Treasury, certify the same thereon, and to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted as herein directed.

Duties of the Register.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the moneys of the Confederate States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, and recorded by the Register, and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treas-

Duties of the Treasurer.



ury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall, at all times, submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the books and records in his office, and of all moneys in his hands; and shall, prior to entering upon the duties of his office, give bond, with good and sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the Confederate States of America, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller.

Prohibition upon persons appointed to office under this act.

Penalty for breach of the prohibitions of the law.

SEC. 11. *And be it further enacted*, That no person appointed to any office instituted by this act shall, directly, or indirectly, be concerned or interested as owner in whole or in part of any sea-vessel; or purchase, by himself or another in trust for him, any public property or forfeited goods; or be concerned in the purchase or disposal of any public Securities of any State or of the Confederate States; or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law. And if any person shall offend against any of the prohibitions of this act, he shall be guilty of a high misdemeanor, and forfeit to the Confederate States the penalty of three thousand dollars, and shall, upon conviction, be removed from office and forever thereafter be incapable of holding any office under the Confederate States: *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

APPROVED February 21, 1861.

February 21, 1861.

CHAP. IX.—*An Act to establish the War Department.*

War Department established.

Duties of Secretary of War. To have charge of all matters connected with army and Indian Tribes.

May appoint clerks.

*The Congress of the Confederate States of America do enact*, That an executive department be, and the same is hereby established, under the name of the War Department, the chief officer of which shall be called the Secretary of War.

SEC. 2. *Be it further enacted*, That said Secretary shall, under the direction and control of the President, have charge of all matters and things connected with the army, and with the Indian tribes within the limits of the Confederacy, and shall perform such duties appertaining to the army, and to said Indian tribes, as may from time to time be assigned to him by the President.

SEC. 3. *And be it further enacted*, That the Secretary of said department is hereby authorized to appoint a chief clerk thereof, and as many inferior clerks as may be found necessary and may be authorized by law.

APPROVED February 21, 1861.

CHAP. X.—*An Act to establish the Navy Department.*

February 21, 1861.

*The Congress of the Confederate States of America do enact, That* an executive department be, and the same is hereby established, to be called the Navy Department.

Navy Department established.

SEC. 2. *Be it further enacted, That* the chief officer of said department shall be called the Secretary of the Navy, and shall, under the direction and control of the President, have charge of all matters and things connected with the Navy of the Confederacy, and shall perform all such duties appertaining to the navy as shall, from time to time, be assigned to him by the President.

Duties of the Secretary of the Navy.

SEC. 3. *Be it further enacted, That* said Secretary shall be authorized to appoint a chief clerk and such other clerks as may be found necessary and be authorized by law.

APPROVED February 21, 1861.

CHAP. XI.—*To establish the Post Office Department*

February 21, 1861.

*The Congress of the Confederate States of America do enact, That* there shall be an executive department, to be denominated the Post Office Department, and there shall be a principal officer therein, to be called the Postmaster General, who shall perform such duties in relation to post offices and post routes, as shall be enjoined on him by the President of the Confederate States, agreeably to the constitution and the laws of the land, who shall be paid an annual salary to be fixed by law, and have power to appoint a chief clerk and such inferior clerks as may be found necessary, who shall receive such compensation as may be fixed by law.

Post Office Department established.

Duties of the Postmaster General. His salary.

May appoint clerks.

APPROVED February 21, 1861.

CHAP. XII.—*An Act to organize and establish an Executive Department, to be known as the Department of Justice.*

February 21, 1861.

*The Congress of the Confederate States of America do enact, That* from and after the passage of this act, there shall be an executive department, to be known as the Department of Justice. The principal officer at the head of said department shall be denominated the Attorney General, who shall be paid an annual salary to be fixed by law, and who shall have the power to appoint a clerk, at such compensation as may be fixed by law.

Department of Justice established.

Salary of Attorney General.

May appoint a clerk.

SEC. 2. It shall be the duty of the Attorney General to prosecute and conduct all suits in the Supreme Court, in which the Confederate States shall be concerned, and to give his advice and opinion upon questions of law, when required by the President of the Confederate States, or when requested by any of the heads of departments, touching any matters that may concern their departments on subjects before them. He shall also have supervisory power over the accounts of the marshals, clerks and officers of all the courts of the Confederate States, and all claims against the Confederate States.

Duties of the Attorney General.

Supervisory power over accounts of marshals and officers of the courts.

APPROVED February 21, 1861.

February 28, 1861.

CHAP. XIII.—An Act to prescribe the Rates of Postage in the Confederate States of America, and for other purposes.

Rates of postage established.

On single letters.

What deemed a single letter.

What packages rated by weight.

Drop letters.

Postage pre-paid by stamps.

Additional postage on letters advertised.

Postage on newspapers sent from the office of publication to subscribers.

On periodicals so sent.

On other newspapers and periodicals, circulars, handbills, engravings, etc.

On books, bound or unbound.

Publishers may send publications to each other, free of postage.

*The Congress of the Confederate States of America do enact, That* from and after such period as the Postmaster General may by proclamation announce, there shall be charged the following rates of postage, to-wit: For every single sealed letter, and for every letter in manuscript or paper of any kind, upon which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places within the Confederate States of America, not exceeding five hundred miles, five cents; and for any distance exceeding five hundred miles, double that rate; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single postage; and all packages containing other than printed or written matter—and money packages are included in this class—shall be rated by weight as letters are rated, and shall be charged double the rates of postage on letters; and all drop letters, or letters placed in any post-office not for transmission, but for delivery only, shall be charged with postage at the rate of two cents each; and in all the foregoing cases the postage must be pre-paid by stamps; and all letters which shall hereafter be advertised as remaining over or uncalled for in any post-office, shall be charged with two cents each in addition to the regular postage, both to be accounted for as other postages of this Confederacy.

SEC. 2. *And be it further enacted,* That all newspapers not exceeding three ounces in weight, sent from the office of publication to actual and *bona fide* subscribers, shall be charged with postage as follows, to-wit: The postage on the regular numbers of a newspaper published weekly, within the State where published, shall be six and one-half cents per quarter; and papers published semi-weekly, double that rate; and papers published thrice a week, triple that rate; and papers published daily, six times that rate; and the postage on all newspapers to actual subscribers without the State where published, shall be charged double the foregoing rates. And periodicals sent from the office of publication to actual and *bona fide* subscribers, shall be charged with postage as follows, to wit: The postage on the regular numbers of a periodical not exceeding one and a half ounces in weight and published monthly, within the State where published, shall be three cents per quarter; if published semi-monthly, double that rate; and for every additional ounce or fraction of an ounce, double the foregoing rates shall be charged; and periodicals published quarterly or bi-monthly shall be charged one cent an ounce; and the postage on all periodicals without the State where published shall be double the above specified rates; and regular subscribers to newspapers and periodicals shall be required to pay one quarter's postage in advance. And there shall be charged upon every other newspaper, and each circular not sealed, handbill, engraving, pamphlet, periodical and magazine, which shall be unconnected with any manuscript or written matter, not exceeding three ounces in weight, two cents; and for each additional ounce or fraction of an ounce, two cents additional; and in all cases the postage shall be pre-paid by stamps. And books, bound or unbound, not weighing over four pounds, shall be deemed mailable matter, and shall be charged with postage, to be pre paid by stamps, at two cents an ounce for any distance. The publishers of newspapers or periodicals may send to each other, from their respective offices of publication, free of postage, one copy of each publication.



SEC. 3. *And be it further enacted*, That it shall be the duty of the Postmaster General to provide and furnish to all deputy postmasters, and to all other persons applying and paying therefor, suitable postage stamps and stamped envelopes, of the denomination of two cents, five cents, and twenty cents, to facilitate the pre-payment of postages provided for in this act; and any person who shall forge or counterfeit any postage stamp provided or furnished under the provisions of this or any former act, whether the same are impressed or printed on or attached to envelopes or not, or any die, plate, or engraving therefor, or shall make or print, or knowingly use or sell, or have in his possession, with intent to use or sell, any such false, forged or counterfeited die, plate, engraving or postage stamp, or who shall make or print, or authorize or procure to be made or printed, any postage stamps of the kind provided and furnished by the Postmaster General as aforesaid, without the especial authority and direction of the Post Office Department, or who, after such postage stamps have been printed, shall, with intent to defraud the revenues of the Post Office Department, deliver any postage stamps to any person or persons, other than such as shall be authorized to receive the same by an instrument of writing, duly executed under the hand of the Postmaster General and the seal of the Post office Department, shall, on conviction thereof, be deemed guilty of felony, and be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment; and the expenses of procuring and providing all such postage stamps and letter envelopes as are provided for or authorized by this act, shall be paid, after being adjusted by the Auditor of the Post-Office Department, on the certificate of the Postmaster General, out of any money in the treasury arising from the revenues of the Post Office Department.

Deputy postmasters, and other persons, to be furnished with postage stamps and stamped envelopes.

Penalty for forging or counterfeiting postage stamps.

Or for making, using or possessing, forged or counterfeited dies, plates, etc.

Or for delivering postage stamps without authority.

SEC. 4. *And be it further enacted*, That it shall be the duty of every postmaster to cause to be defaced, in such manner as the Postmaster General shall direct, all postage stamps of this Confederacy attached to letters deposited in his office for delivery, or to be sent by mail; and if any postmaster sending letters in the mail, with such postage stamps attached, shall omit to deface the same, it shall be the duty of the postmaster, to whose office such letter shall be sent for delivery, to deface the stamps and report the delinquent postmaster to the Postmaster General. And if any person shall use or attempt to use in pre-payment of postage any postage stamps which shall have been before used for like purposes, such person shall be subject to a penalty of fifty dollars for every such offence, to be recovered in the name of the Confederate States of America in any court of competent jurisdiction.

Postmasters to deface postage stamps attached to letters.

Penalty for omission.

Penalty for using postage stamps that had been before used.

SEC. 5. *And be it further enacted*, That from and after the day when this act goes into effect the franking privilege shall be abolished: *Provided*, That the Postmaster General and his chief clerks and Auditor of the Treasury for the Post Office Department shall be and they are hereby authorized to transmit through the mail, free of postage, any letters, packages or other matters relating exclusively to their official duties or to the business of the Post Office Department; but they shall, in every such case, endorse on the back of the letter or package to be sent free of postage, over their own signatures, the words "Official Business." And for any such endorsement falsely made, the person so offending shall forfeit and pay three hundred dollars. *And provided further*, The several deputy postmasters throughout the Confederate States shall be and hereby are authorized to send through the mail, free of postage, all letters and packages which it may be their duty or they may have occasion to transmit to any person or place, and which shall relate

Franking privilege abolished.

Exception in favor of certain officers in the Postoffice Department

and deputy postmasters.

Penalty on these officers for making false endorsements on letters, etc.

Act establishing letter registration system, repealed.

Express and other chartered companies prohibited from carrying letters unless postage pre-paid.

Penalty for violation.

Transmission of mails between the territories.

exclusively to the business of their respective offices or to the business of the Post Office Department but in every such case the deputy postmaster sending any such letter or package shall endorse thereon, over his own signature, the words "Post Office Business," and for any and every such endorsement falsely made, the person making the same shall forfeit and pay three hundred dollars.

SEC. 6. *And be it further enacted*, That the third section of an act entitled "An act further to amend an act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes, passed March third, eighteen hundred and fifty-one,'" approved March 3d, 1855, whereby the letter registration system was established, be and is hereby repealed, from and after the day when this act goes into effect.

SEC. 7. *Be it further enacted*, That no letters shall be carried by the express or other chartered companies, unless the same shall be pre-paid by being enclosed in a stamped envelope of this Confederacy; and any company violating the provisions of this act shall forfeit and pay the sum of five hundred dollars for each offence, to be recovered by action of debt in any court of this Confederacy having cognizance thereof, in the name and for the use of this Confederacy.

SEC. 8. *Be it further enacted*, That the Postmaster General of the Confederate States be and is hereby authorized to make all necessary arrangements for the transmission of mails between the territories of this and other governments, subject to the approval of the President, until postal treaties can be effected.

APPROVED February 23, 1861.

February 25, 1861.

CHAP. XIV.—*An Act to declare and establish the Free Navigation of the Mississippi River.*

Navigation of the Mississippi river declared free.

Regulations for vessels navigating the same.

Vessels entering said river within the limits of the Confederacy may pass to any place beyond said limits with their cargoes, without any duty, except light money, pilotage, &c.; but not to sell or dispose of any part of cargo in this Confederacy.

Penalty for violation; how received.

*The Congress of the Confederate States of America do enact*, That the peaceful navigation of the Mississippi river is hereby declared free to the citizens of any of the States upon its borders, or upon the borders of its navigable tributaries; and all ships, boats, rafts or vessels may navigate the same, under such regulations as may be established by authority of law, or under such police regulations as may be established by the States within their several jurisdictions.

SEC. 2. *Be it further enacted*, All ships, boats, or vessels, which may enter the waters of the said river within the limits of this Confederacy, from any port or place beyond the said limits, may freely pass with their cargoes to any other port or place beyond the limits of this Confederacy without any duty or hindrance, except light money, pilotage, and other like charges; but it shall not be lawful for any such ship, boat, or vessel to sell, deliver, or in any way dispose of any part of her cargo, or land any portion thereof for the purpose of sale and delivery within the limits of this Confederacy; and in case any portion of such cargo shall be sold or delivered, or landed for that purpose, in violation of the provisions of this act, the same shall be forfeited, and shall be seized and condemned by a proceeding in admiralty before the court having jurisdiction of the same in the district in which the same may be found; and the ship, boat, or vessel shall forfeit four times the amount of the value of the duties chargeable on the said goods, wares, or merchandise so landed, sold, or disposed of in violation of the provisions of this act, to be recovered by a proper proceeding in admiralty before the said court, in the district in which such ship, boat, or vessel may be found,

one-half for the use of the collector of the district who shall institute and conduct such proceeding, the other half for the use of the Government of the Confederate States: *Provided*, That if any such ship, boat, or vessel shall be stranded, or from any cause become unable to proceed on its voyage, the cargo thereof may be landed and the same may be entered at the nearest port of entry, in the same manner as goods, wares, and merchandise regularly consigned to said port; and the person so entering the same shall be entitled to the benefit of drawback of duties or of warehousing said goods, wares and merchandise as provided by law in other cases.

Exception in favor of stranded or disabled vessels.

SEC. 3. *And be it further enacted*, If any person having the charge of or being concerned in the transportation of any goods, wares, or merchandise upon the said river, shall, with intent to defraud the revenue, break open or unpack, within the limits of the Confederate States, any part of the merchandise entered for transportation beyond the said limits, or shall exchange or consume the same, or with like intent shall break or deface any seal or fastening placed thereon by any officer of the revenue, or if any person shall deface, alter, or forge any certificate granted for the protection of merchandise transported as aforesaid, each and every person so offending shall forfeit and pay five hundred dollars, and shall be imprisoned not less than one nor more than six months, at the discretion of the court before which such person shall be convicted.

Penalty for breaking open, unpacking, exchanging or consuming merchandise entered for transportation.

Breaking or defacing any seal or fastening. Defacing or forging certificates.

SEC. 4. *Be it further enacted*, In case any ship, boat, or vessel shall enter the waters of the said river within the limits of the Confederate States, having on board any goods, wares, or merchandise subject to the payment of duties, and the master, consignee, or owner shall desire to land the same for sale or otherwise, it shall be lawful to enter the said goods, wares, and merchandise at any port of entry, in the same manner as goods, wares, or merchandise regularly consigned to the said port, or to forward them under bond or seal according to the regulations customary in such cases, when consigned to any port or place beyond the limits of this Confederacy, and on payment of the duties on said goods, to obtain from the collector a license to land the same at any point on the river; and when goods, wares, or merchandise shall be entered as aforesaid, the owner, importer, or consignee shall be entitled to the benefit of drawback of duties or of warehousing the said goods, wares, and merchandise, as is provided by law, upon complying with all the laws and regulations which apply to cases of entry for drawback or warehousing respectively.

Masters, &c., of vessels entering waters of the Mississippi may enter goods for sale or otherwise.

On payment of duties, collector to grant license.

When entitled to benefit of drawback of duties or of warehousing goods.

SEC. 5. *Be it further enacted*, When any such ship, boat, or vessel, having on board goods, wares, and merchandise subject to the payment of duties, as set forth in the fourth section, shall arrive at the first port of her entry of the Confederate States, the master or person in command of such ship, boat, or vessel shall, before he pass the said port, and immediately after his arrival, deposit with the collector a manifest of the cargo on board subject to the payment of duties, and the said collector shall, after registering the same, transmit it, duly certified to have been deposited, to the officer with whom the entries are to be made; and the said collector may, if he judge it necessary for the security of the revenue, put an inspector of the customs on board any such ship, boat, or vessel, to accompany the same until her arrival at the first port of entry to which her cargo may be consigned; and if the master or person in command shall omit to deposit a manifest as aforesaid, or refuse to receive such inspector on board, he shall forfeit and pay five hundred dollars, with costs of suit, one-half to the use of the officer with whom the manifest should have been deposited, and the

Master of vessel, on arrival at first port of entry, to deposit with the collector manifest of the cargo.

Collector to certify and transmit manifest.

May put inspector on the vessel.

Penalty on master for failing to deposit manifest or refusing to receive inspector.



other half to the use of the collector of the district to which the vessel was bound : *Provided, however*, That until ports of entry shall be established above the city of Vicksburg, on the Mississippi river, the penalties of this act shall not extend to the delivery of goods above that port by vessels or boats descending said river.

APPROVED February 25, 1861.

This act not to apply to goods delivered at certain ports.

February 26, 1861. CHAP. XV.—*An Act to modify the Navigation Laws and repeal all Discriminating Duties on Ships or Vessels.*

Vessels not enrolled or licensed may be employed in the coasting trade.

Laws forbidding importation of goods in vessels belonging to foreigners, repealed.

Repeal of laws imposing discriminating duties on tonnage.

*The Congress of the Confederate States of America do enact, That* all laws which forbid the employment in the coasting trade of ships or vessels not enrolled or licensed, and also all laws which forbid the importation of goods, wares, or merchandise from one port of the Confederate States to another port of the Confederate States, or from any foreign port or place, in a vessel belonging wholly or in part to a subject or citizen of any foreign State or power, are hereby repealed.

SEC. 2. All laws which impose any discriminating duty on the tonnage of ships or vessels owned by any subject or citizen of any foreign State or power, or upon goods, wares or merchandise imported in any such ship or vessel, are hereby repealed.

APPROVED February 26, 1861.

February 26, 1861. CHAP. XVI.—*An Act to define more accurately the Exemption of Certain Goods from Duty.*

Exemption from duties allowed by act of Feb. 18, 1861, to extend only to certain goods.

*The Congress of the Confederate States of America do enact, That* the exemption from duties allowed by the act to "Exempt from duties certain commodities therein named, and for other purposes," passed on the eighteenth day of February, 1861, shall extend only to such goods, *bona fide* purchased on or before the twenty-eighth day of February instant, as shall have been actually laden on board of the exporting vessel or conveyance destined for any port in this Confederacy, on or before the fifteenth day of March, in the present year.

APPROVED February 26, 1861.

February 26, 1861. CHAP. XVII.—*An Act for the Establishment and Organization of a General Staff for the Army of the Confederate States of America.*

Officers in the general staff of the army.

*The Congress of the Confederate States of America do enact, That* from and after the passing of this act, the general staff of the Army of the Confederate States shall consist of an Adjutant and Inspector General's Department, Quartermaster General's Department, Subsistence Department, and the Medical Department.

Officers in the Adjutant and Inspector General's Department; their rank.

SEC. 2. *Be it further enacted*, That the Adjutant and Inspector General's Department shall consist of one Adjutant and Inspector General, with the rank of colonel; four Assistant Adjutants General, with the

rank of major, and four Assistant Adjutants General, with the rank of captain.

SEC. 3. *Be it further enacted*, That the Quartermaster General's Department shall consist of one Quartermaster General, with the rank of colonel; six Quartermasters, with the rank of major; and as many Assistant Quartermasters, as may from time to time be required by the service, may be detailed by the War Department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service. The quartermasters herein provided for shall also discharge the duties of paymasters, under such regulations as may be prescribed by the Secretary of War.

Officers in the Quartermaster General's Department; their rank and pay.

Quartermasters to discharge the duties of paymasters.

SEC. 4. *Be it further enacted*, That the Commissary General's Department shall consist of one Commissary General, with the rank of colonel; four Commissaries, with the rank of captain, and as many Assistant Commissaries, as may from time to time be required by the service, may be detailed by the War Department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service. The assistant quartermasters and assistant commissaries shall be subject to duties in both departments at the same time, but shall not receive the additional compensation but in one department.

Officers in Commissary General's Department; their rank and pay.

Assistant quartermasters and Commissaries subject to duty in both departments.

SEC. 5. *Be it further enacted*, That the Medical Department shall consist of one Surgeon General, with the rank of colonel; four Surgeons, with the rank of major, and six Assistant Surgeons, with the rank of captain; and as many Assistant Surgeons, as the service may require, may be employed by the Department of War, and receive the pay of assistant surgeons.

Officers in Medical Department; their rank and pay.

SEC. 6. *Be it further enacted*, That the officers of the Adjutant General's, Quartermaster General's and Commissary General's Departments, though eligible to command, according to the rank they hold in the army of the Confederate States of America, shall not assume command of troops, unless put on duty under orders which specially so direct by authority of the President. The officers of the Medical Department shall not exercise command except in their own department.

Officers in the Departments not to assume command of troops.

SEC. 7. *Be it further enacted*, That the staff officers herein provided for shall be appointed by the President, by and with the advice and consent of the Congress, and shall receive such pay and allowances as shall be hereafter established by law.

Staff officers to be appointed by the President.

APPROVED February 26, 1861.

#### CHAP. XVIII.—An Act in relation to Public Printing.

February 27, 1861.

*The Congress of the Confederate States of America do enact*, That the Secretary of Congress shall, after each session, prepare for publication fair copies of all the acts passed by Congress, and resolutions of a public nature intended to have the effect of laws, together with the Constitutions for a Provisional and Permanent Government of this Confederacy, adopted by this Congress.

Acts and resolutions of Congress, and Provisional and Permanent Constitutions to be published.

SEC. 2. The acts shall be arranged under appropriate titles, shall have marginal notes to each section, and be fully indexed.

How acts to be arranged.

SEC. 3. The Secretary shall also prepare for publication copies of the public journal of the proceedings of this Congress, and a full index for the same.

Journal of proceedings of Congress to be published.

Acts and journals to be delivered to public printer; his duty.

SEC. 4. The acts and journals, when prepared, shall be delivered to the public printers, who shall, without delay, publish three thousand copies of each, in a style equal in execution, and upon paper of the same quality in every respect, as the laws of the United States, as annually published by Messrs. Little & Brown.

Acts to be bound; fee for binding.

SEC. 5. The acts of Congress thus published shall be bound by the public printers, in a style not inferior to the acts of the General Assembly of the State of Alabama, for which service he shall receive the sum of twenty-five cents per copy.

Compensation of public printer for the publication of the laws and journals.

SEC. 6. The public printer shall be entitled to receive as compensation for the publication of the laws and journals the following prices, viz.:

For each page of the laws and journals, including press work, paper, pressing, folding and stitching, the sum of six dollars.

For job printing.

SEC. 7. For all job printing ordered by Congress the public printers shall receive the following compensation and no more, viz.:

Bills, resolutions and reports;

First: For bills, resolutions and reports—For composition per page (foolscap) one dollar and seventy-five cents; for press work, folding and stitching one hundred copies, twenty-five cents per page, and *pro rata* for all copies over one hundred.

Rules, Constitutions and other pamphlets;

Second: For rules, constitutions and other pamphlets—For composition per page, (octavo) in small pica, plain, one dollar; in small pica, rule, one dollar and fifty cents; for brevier, plain, one dollar and fifty cents; for brevier, rule, two dollars; for rule and figure work on page larger than royal octavo, per 1,000 ems, one dollar; for press work, including folding and stitching, per token, seventy cents.

Yeas and nays, circular letters and other miscellaneous printing.

Third: For yeas and nays, circular letters, and other miscellaneous printing ordered by Congress—For composition, plain work, per 1,000 ems, seventy cents; rule and figure work, per 1,000 ems, one dollar; for press work, including folding and stitching, per token or fraction of token, seventy cents.

For paper.

Fourth: For all paper on which printing is done for Congress, the public printer shall be allowed the fair market cost thereof, and twenty per centum additional thereto.

Extra pay allowed for work done for Congress when in secret session.

Fifth: On all work done for Congress when in secret session the public printer shall receive an additional compensation of ten per centum on the above rates.

Heads of Departments to contract for printing for their offices.

SEC. 8. The chief officers of the executive departments of the government are hereby authorized to contract for all necessary printing in connection with their several offices, in no case, however, at higher rates of compensation than hereinbefore prescribed for work done for Congress.

Postmaster General to contract for the publication of blanks for his office; at what rates.

SEC. 9. The Postmaster General shall contract for the publication of all post bills and other blanks connected with his office, not exceeding the following rates: For composition, including rule and figure work, per 1,000 ems, fifty cents; for presswork, per clean token, (the sheets not to be not less than 16 by 26 inches) fifty cents; for paper, ten per cent. on actual cost. Nothing shall be allowed for altering the name of a postmaster on a post bill or other blank, nor shall there be an additional charge for composition when the name of the postoffice above is changed. But the printer shall be required to keep always on hand forms for postoffice blanks, and when new orders are given, the charge shall be made only for the press work and paper, and such new composition as may be necessary.

Printer to keep on hand certain forms for postoffice blanks.

Charge for new orders.

Accounts for printing; how made out and certified.

SEC. 10. All accounts for printing done for Congress or any one of the executive departments shall, before the same are allowed and paid, be sworn to by the public printer or contractor; shall be accompanied



by vouchers, showing the cost of the paper used and the quantity thereof, and shall be certified to be correctly made out under the law by at least two disinterested practical printers in no way connected with the office or business of the claimant.

SEC. 11. The foregoing rates and provisions do not apply to advertisements in public gazettes by order of any of the executive departments, for which the usual fees paid by other advertisers shall be allowed. But no advertisement from any of the executive departments shall be inserted in more than three public gazettes in the same State.

Usual fees to be paid for advertisements in public gazettes.

SEC. 12. When printing on parchment is required to be done for any executive department, the parchment shall be purchased and furnished by such department, and a special contract made for such printing, not exceeding ten dollars per thousand copies.

Printing on parchment.

SEC. 13. There shall be connected with the Department of Justice a Bureau of Printing, the chief officer of which shall be appointed by the President, by and with the advice and consent of the Congress, and shall be known as the Superintendent of Public Printing. No person shall be eligible to this office who is not skilled in and acquainted with the practical details of the business of printing; nor shall the Superintendent of Public Printing be in any manner, directly or indirectly, interested in the contracts for public printing, nor with the printing office at which the same is done, nor connected with any newspaper in any capacity whatever.

Bureau of printing established; its chief officer, and by whom appointed.

Eligibility to office of Superintendent of Public Printing.

SEC. 14. It shall be the duty of the Superintendent to supervise, direct and control all the printing done by order of Congress, or under contract with any executive department, as to the quality of paper to be used, the character of type, the style of binding, and the general execution of the work; and also as to the time and order in which the same shall be completed. It shall be his duty also to report to the head of the department, at least once a year, the condition of the public printing—stating the amount paid out for the same on each contract, specifying the amount paid out under the order of each department, and giving estimates of the probable expenditure for the succeeding year; which report shall be laid before the Congress by the President, in connection with his annual message. It shall be his duty also to take from every contractor for public printing such bond, with good security, as he may require, not exceeding the probable amount of the contract price for the printing to be done by such contractor, and conditioned for the faithful performance of his contract in every particular. Such bonds shall be renewed annually by contractors whose work shall be continuing in its character and extends beyond the year of its commencement.

Duties of the Superintendent.

SEC. 15. All accounts for printing done, when rendered as hereinbefore provided, shall be audited and allowed by the Superintendent of Public Printing before the same shall be paid. If the Superintendent shall refuse to receive any work done, or shall refuse to allow any account rendered, the printer or contractor may appeal from such decision to the head of the department, whose decision on the appeal shall be final and conclusive.

Superintendent to audit and allow accounts for printing, to authorize payment.

Appeal from his decision.

SEC. 16. All laws or parts of laws militating against the provisions of this act are hereby repealed.

Laws repealed.

APPROVED February 27, 1861.

February 27, 1861.

CHAP. XIX.—*An Act to authorize the Secretary of State to appoint an Assistant.*

Secretary of State  
may appoint an As-  
sistant Secretary.

His duties, and pay.

*The Congress of the Confederate States of America do enact,* That the Secretary of State be and he is hereby authorized and empowered to appoint an assistant, who shall be known as the Assistant Secretary of State, who shall perform such duties as may be assigned him by the Secretary, and receive such compensation for his services as may be fixed by law.

APPROVED February 27, 1861.

February 28, 1861.

CHAP. XX.—*An Act to authorize the Secretary of the Treasury to establish additional Ports and Places of Entry and Delivery, and appoint Officers therefor.*

Secretary of the  
Treasury authorized  
to establish ports of  
entry and delivery ;

his power to change  
and abolish the same.

May appoint col-  
lectors of the customs,  
and fix their salaries

*The Congress of the Confederate States of America do enact,* That the Secretary of the Treasury be and he is hereby authorized and empowered to establish such ports of entry and delivery of goods, wares and merchandise, as in his judgment may be necessary for the proper collection of the customs and the enforcement of the revenue laws of the Confederate States; and that he have power to change, alter and abolish such ports and places of entry and delivery at any time when the public interests may require it.

SEC. 2. *Be it further enacted,* That the Secretary of the Treasury be and he is hereby authorized and empowered to appoint suitable persons as collectors of the customs at such ports and places of entry and delivery, under such regulations and with such salaries as he may from time to time prescribe and establish.

APPROVED February 28, 1861.

February 28, 1861.

CHAP. XXI.—*An Act to raise Money for the support of the Government, and to provide for the Defence of the Confederate States of America.*

President autho-  
rized to borrow  
money on the credit  
of the C. S.

How to be applied.

Certificates of stock  
or bonds for the  
amount borrowed.

Interest thereon.

Coupons to be at-  
tached to the bonds  
issued.

*The Congress of the Confederate States of America do enact,* That the President of the Confederate States be and he is hereby authorized, at any time within twelve months after the passage of this act, to borrow, on the credit of the Confederate States, a sum not exceeding fifteen millions of dollars, or so much thereof as in his opinion the exigencies of the public service may require, to be applied to the payment of appropriations made by law for the support of the government and for the defences of the Confederate States.

SEC. 2. The Secretary of the Treasury is hereby authorized, by the consent of the President of the Confederate States, to cause to be prepared certificates of stock or bonds, in such sums as are hereinafter mentioned, for the amount to be borrowed as aforesaid, to be signed by the Register of the Treasury and sealed with the seal of the Treasury; and the said certificates of stock or bonds shall be made payable at the expiration of ten years from the first day of September next; and the interest thereon shall be paid semi-annually, at the rate of eight per cent. per annum, at the Treasury, and such other place as the Secretary of the Treasury may designate. And to the bonds which shall be issued as aforesaid, shall be attached coupons for the semi-annual interest which shall accrue, which coupons may be signed by officers to

be appointed for the purpose by the Secretary of the Treasury. And the faith of the Confederate States is hereby pledged for the due payment of the principal and interest of the said stock and bonds.

Faith of the C. S. pledged for the payment of the principal and interest.

SEC. 3. At the expiration of five years from the first day of September next, the Confederate States may pay up any portion of the bonds or stocks, upon giving three months previous public notice, at the seat of government, of the particular stocks or bonds to be paid, and the time and place of payment; and from and after the time so appointed, no further interest shall be paid on said stock or bonds.

Bonds or stocks may be paid on giving notice.

SEC. 4. The certificates of stock and bonds shall be issued in such form and for such amounts as may be determined by the Secretary of the Treasury, and may be assigned or delivered under such regulations as he may establish; but none of them shall be for a less sum than fifty dollars. And he shall report to Congress, at its next session, a statement, in detail of his proceedings, and the rate at which the loans may have been made, and all the expenses attending the same.

When interest to cease.

Form and amount of the certificates of stock and bonds; certificates may be assigned.

Report of the Secretary of the Treasury to Congress.

SEC. 5. From and after the first day of August, 1861, there shall be levied and collected and paid, a duty of one-eighth of one cent, per pound on all cotton in the raw state exported from the Confederate States, which duty is hereby specially pledged to the due payment of interest and principal of the loan provided for in this act; and the Secretary of the Treasury is hereby authorized and required to establish a sinking fund to carry into effect the provisions of this section: *Provided, however,* That the interest coupons, issued under the second section of this act, when due, shall be receivable in payment of the export duty on cotton: *Provided, also,* That when the debt and interest thereon herein authorized to be contracted shall be extinguished, or the sinking fund provided for that purpose shall be adequate to that end, the said export duty shall cease and determine.

Duty on cotton exported.

Duty pledged to the payment of the loan provided for by this act.

Sinking fund established.

Interest coupons receivable in payment of the duty

When duty to cease.

APPROVED February 28, 1861.

CHAP. XXII.—An Act to raise Provisional Forces for the Confederate States of America, and for other purposes.

February 28, 1861.

*The Congress of the Confederate States of America do enact,* That to enable the government of the Confederate States to maintain its jurisdiction over all questions of peace and war, and to provide for the public defence, the President be and he is hereby authorized and directed to assume control of all military operations in every State, having reference to or connection with questions between said States, or any of them, and powers foreign to them.

President to assume control of certain military operations in every State.

SEC. 2. *And be it further enacted,* That the President is hereby authorized to receive from the several States the arms and munitions of war which have been acquired from the United States, and which are now in the forts, arsenals and navy yards of the said States, and all other arms and munitions which they may desire to turn over and make chargeable to this government.

To receive from the States the arms, etc., acquired from the U. S.

SEC. 3. *Be it further enacted,* That the President be authorized to receive into the service of this government such forces now in the service of said States as may be tendered, or who may volunteer, by consent of their State, in such numbers as he may require, for any time not less than twelve months, unless sooner discharged.

To receive into service forces of the States; for what time.

SEC. 4. *Be it further enacted,* That such forces may be received, with their officers, by companies, battalions or regiments, and when so received shall form a part of the Provisional Army of the Confederate States,

The forces may be received, with their officers, by companies, etc.



President may appoint their general officers.

Pay and allowances of the forces received.

To be subject to army rules.

according to the terms of their enlistment; and the President shall appoint, by and with the advice and consent of Congress, such general officer or officers for said forces as may be necessary for the service.

SEC. 5. *Be it further enacted*, That said forces, when received into the service of this government, shall have the same pay and allowances as may be provided by law for volunteers entering the service, or for the army of the Confederate States, and shall be subject to the same rules and government.

APPROVED February 28, 1861.

March 1, 1861.

CHAP. XXIII.—*An Act Supplemental to an act to Regulate the Rates of Postage, and for other purposes.*

Pre-payment of postage in money.

*The Congress of the Confederate States of America do enact*, That until postage stamps and stamped envelopes can be procured and distributed, the Postmaster General may order the postage of the Confederacy to be pre-paid in money, under such rules and regulations as he may adopt.

Postmaster General authorized to contract with steamers for the transportation of the mail.

SEC. 2. *Be it further enacted*, That until otherwise provided by law, the Postmaster General may contract with any line of steamers for the transportation of mail matter between the ports of this Confederacy and the ports of foreign governments: *Provided*, That the rates of postage shall not exceed the rates allowed by the present laws of the United States for similar service, and the compensation to be paid shall not exceed the income from postage on such matter.

Rates of postage.

APPROVED March 1, 1861.

March 2, 1861.

CHAP. XXIV.—*An Act to admit Texas as a Member of the Confederate States of America.*

State of Texas admitted into the Confederacy.

*The Congress of the Confederate States of America do enact*, That the State of Texas be and is hereby admitted as a member of this Confederacy, upon an equal footing with the other Confederate States.

APPROVED March 2, 1861.

March 5, 1861.

CHAP. XXV.—*An Act to repeal so much of the Laws of the Confederate States of America as prohibit the introduction of Liquors, except in casks or vessels of or above certain named capacity, and for other purposes.*

Laws prohibiting the importation of liquors, except in casks, etc., repealed;

also laws requiring sugars to be imported in certain vessels and packages.

*The Congress of the Confederate States of America do enact*, That all laws and parts of laws which prohibit the importation into this Confederacy of beer, ale or porter, or distilled spirits, except in casks or vessels not below certain prescribed capacities, also all laws requiring loaf and refined sugars to be brought in in vessels of a certain tonnage and in packages of certain sizes, be and the same are hereby repealed. And hereafter it shall be lawful to import the same, subject to the payment of the duties prescribed by law, in such quantities as the importer shall choose.

APPROVED March 5, 1861.

*The Congress of the Confederate States of America do enact, That* in order to provide speedily forces to repel invasion, maintain the rightful possession of the Confederate States of America in every portion of territory belonging to each State, and to secure the public tranquility and independence against threatened assault, the President be, and he is hereby authorized to employ the militia, military and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding one hundred thousand, who may offer their services, either as cavalry, mounted riflemen, artillery or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged.

President authorized to employ the militia, military and naval forces,

and to ask for and accept volunteers.

SEC. 2. *And be it further enacted, That* the militia, when called into service by virtue of this act or any other act, if in the opinion of the President the public interest requires, may be compelled to serve for a term not exceeding six months after they shall be mustered into service, unless sooner discharged.

How long militia to serve.

SEC. 3. *And be it further enacted, That* said volunteers shall furnish their own clothes, and, if mounted men, their own horses and horse equipments; and when mustered into service, shall be armed by the States from which they come, or by the Confederate States of America.

What the volunteers to furnish.

To be armed by the States.

SEC. 4. *And be it further enacted, That* said volunteers shall, when called into actual service, and while remaining therein, be subject to the rules and articles of war, and instead of clothing, every non-commissioned officer and private in any company shall be entitled, when called into actual service, in money to a sum equal to the cost of clothing of a non-commissioned officer or private in the regular army of the Confederate States of America.

Volunteers to be subject to rules and articles of war.

To receive money in lieu of clothing.

SEC. 5. *And be it further enacted, That* the said volunteers so offering their services may be accepted by the President in companies, squadrons, battalions and regiments, whose officers shall be appointed in the manner prescribed by law in the several States to which they shall respectively belong; but when inspected, mustered, and received into the service of the Confederate States, said troops shall be regarded in all respects as a part of the army of said Confederate States, according to the terms of their respective enlistments.

May be accepted in companies, squadrons, etc.

Officers; how appointed.

SEC. 6. *And be it further enacted, That* the President is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, whenever in his judgment such organization may be expedient; and whenever brigades or divisions shall be organized, the President shall appoint the commanding officers for such brigades and divisions, subject to the confirmation of Congress, who shall hold their offices only while such brigades and divisions are in service; and the President shall, if necessary, apportion the staff and general officers among the respective States from which the volunteers shall tender their services, as he may deem proper.

President may organize volunteer companies, battalions, etc.

And appoint officers for brigades and divisions.

May apportion the staff and general officers.

SEC. 7. *And be it further enacted, That* whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall have the same organization, and shall have the same pay and allowances as may be provided for the regular army; and all mounted non-commissioned officers, privates, musicians and artificers shall be allowed forty cents per day for the use and risk of their horses; and if any volunteer shall not keep

Organization and pay of the militia and volunteers.

Allowance for use and risk of horses.

himself provided with a serviceable horse, such volunteer shall serve on foot. For horses killed in action, volunteers shall be allowed compensation according to their appraised value at the date of muster into service.

Officers of a separate battalion of volunteers.

Additional second lieutenant to each company.

President may limit number of privates.

Additional officers, and when and by whom appointed for the Quartermaster, Commissary and Medical Departments.

Bond and security required.

Pay and emoluments.

How long to continue in service.

President may purchase and equip vessels, etc., fit for or easily converted into armed vessels.

SEC. 8. *And be it further enacted*, That the field and staff officers of a separate battalion of volunteers shall be one lieutenant-colonel or major, one adjutant with the rank of lieutenant, one sergeant major, one quartermaster sergeant, and a chief bugler or principal musician, according to corps; and that each company shall be entitled to an additional second lieutenant; and that the President may limit the privates in any volunteer company, according to his discretion, at from sixty-four to one hundred.

SEC. 9. *And be it further enacted*, That when volunteers or militia are called into the service of the Confederate States in such numbers that the officers of the quartermaster, commissary and medical departments, which may be authorized by law for the regular service, are not sufficient to provide for the supplying, quartering, transporting, and furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of said departments as the service may require, not exceeding one commissary and one quartermaster for each brigade, with the rank of major, and one assistant quartermaster with the rank of captain, one assistant commissary with the rank of captain, one surgeon and one assistant surgeon for each regiment; the said quartermasters and commissaries, assistant quartermasters and commissaries, to give bonds with good sureties for the faithful performance of their duties; the said officers to be allowed the same pay and emoluments as shall be allowed to officers of the same grade in the regular service, and to be subject to the rules and articles of war, and to continue in service only so long as their services may be required in connection with the militia or volunteers.

SEC. 10. *And be it further enacted*, That the President be, and he is hereby authorized to purchase or charter, arm, equip and man such merchant vessels and steamships or boats as may be found fit or easily converted into armed vessels, and in such number as he may deem necessary for the protection of the seaboard and the general defence of the country.

APPROVED March 6, 1861.

March 6, 1861.

CHAP. XXVII.—*An Act to provide for the Registration of Vessels owned in whole or in part by citizens of the Confederate States.*

What vessels may be registered.

*The Congress of the Confederate States of America do enact*, That all vessels, wherever built, one-fourth or more of which shall be owned by a citizen or citizens of the Confederate States, and commanded by a citizen thereof, shall be registered as a vessel of the Confederacy at the custom-houses thereof: *Provided*, That a majority in interest of the owners shall consent to such registration, and such vessels be not registered elsewhere.

APPROVED March 6, 1861.



CHAP. XXVIII.—*An Act to establish and organize a Bureau in connection with the Department of the Treasury, to be known as the Lighthouse Bureau.*

March 6, 1861.

*The Congress of the Confederate States [of America] do enact,* That there shall be established in connection with the Department of the Treasury a bureau, to be known as the Lighthouse Bureau. The chief officer of such bureau shall be a captain or commander of the navy, detailed for this service by order of the President of the Confederate States, who shall receive as his compensation the same pay allowed to officers of the same rank in the navy. There shall be appointed also a chief clerk, with a salary of twelve hundred dollars, and an accounting clerk, with a salary of one thousand dollars.

Lighthouse Bureau established.

Officers, and their salaries.

SEC. 2. All lighthouses, light vessels, buoys, and other aids to navigation, all the officers connected therewith, and all matters connected with the construction, repair, illumination, inspection and government thereof, and all duties appertaining to the administration of lighthouse affairs, shall be under the direction and control of the Lighthouse Bureau hereby established, subject at all times to the superintendence of the Secretary of the Treasury.

Matters under the control and direction of the Lighthouse Bureau.

SEC. 3. The chief of the bureau shall, as soon as possible, divide the sea-coasts of the Confederate States into districts not exceeding five in number, as the Secretary of the Treasury may deem expedient, and over each of these districts the President shall appoint an inspector, to be selected from the lieutenants in the navy, who shall discharge all the duties of inspection, survey or otherwise which may be required of him by the chief of the bureau. For these services the inspectors shall receive only their regular pay in the navy.

Chief of bureau to divide sea-coast into districts.

Inspector for each district.

His duties, and pay.

SEC. 4. The President of the Confederate States may from time to time, at the request of the Secretary of the Treasury, detail one or more of the officers of the engineer corps of the army, to be employed under the direction of the Lighthouse Bureau, in superintending the construction or repair of light houses or other necessary structures in connection with the lighthouse establishment, or other similar duty assigned by the Lighthouse Bureau in connection therewith.

Detail of officers of the engineer corps to superintend construction of lighthouses, etc.

Other duties.

SEC. 5. The chief of the bureau shall, at least once every year, make a full report to the Secretary of the Treasury, giving a full statement of the operations of the lighthouse establishment. He shall also from time to time give such information to the Secretary of the Treasury as he may require in reference to his bureau.

Report by chief of the bureau to Secretary of the Treasury.

SEC. 6. All laws and parts of laws contravening the provisions of this act are hereby repealed.

Laws repealed.

APPROVED March 6, 1861.

CHAP. XXIX.—*An Act for the establishment and organization of the Army of the Confederate States of America.*

March 6, 1861.

*The Congress of the Confederate States of America do enact,* That from and after the passage of this act the military establishment of the Confederate States shall be composed of one corps of engineers, one corps of artillery, six regiments of infantry, one regiment of cavalry, and of the staff departments already established by law.

Military establishment; of what composed.

SEC. 2. The corps of engineers shall consist of one colonel, four majors, five captains, and one company of sappers, miners, and pontoniers, which shall consist of ten sergeants or master workmen, ten corporals or overseers, two musicians, and thirty-nine privates of the first class, or artificers, and thirty-nine privates of the second class, or laborers, making in all one hundred.

Corps of Engineers.

Officers of company  
of sappers, miners,  
and pontoniers.

Their duties.

Duties of Colonel of  
the Engineer corps.

Corps of Artillery.

Regiments of In-  
fantry.

Regiment of Cav-  
alry.

Brigadier Generals  
and their aids-de-  
camp; their duties.

President to ap-  
point all officers of  
the army.

Term of enlistment  
of the rank and file.

Examination of of-  
ficers.

How vacancies filled.

Promotion.

SEC. 3. The said company shall be officered by one captain of the corps of engineers, and as many lieutenants, to be selected by the President from the line of the army, as he may deem necessary for the service, and shall be instructed in and perform all the duties of sappers, miners, and pontoniers, and shall, moreover, under the orders of the chief engineer, be liable to serve by detachments in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications, as fort-keepers, preventing injury and making repairs.

SEC. 4. It shall be the duty of the colonel of the engineer corps, subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, etc., of the necessary vehicles, arms, pontons, tools, implements, and other supplies for the service of the said company as a body of sappers, miners, and pontoniers.

SEC. 5. The corps of artillery, which shall also be charged with ordnance duties, shall consist of one colonel, one lieutenant colonel, ten majors, and forty companies of artillerists and artificers; and each company shall consist of one captain, two first lieutenants, one second lieutenant, four sergeants, four corporals, two musicians, and seventy privates. There shall also be one adjutant, to be selected by the colonel from the first lieutenants, and one sergeant-major, to be selected from the enlisted men of the corps. The President may equip as light batteries, of six pieces each, such of these companies as he may deem expedient, not exceeding four in time of peace.

SEC. 6. Each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, and ten companies; each company shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, two musicians and ninety privates; and to each regiment there shall be attached one adjutant, to be selected from the lieutenants, and one sergeant-major, to be selected from the enlisted men of the regiment.

SEC. 7. The regiment of cavalry shall consist of one colonel, one lieutenant colonel, one major, and ten companies, each of which shall consist of one captain, one first lieutenant, two second lieutenants, four sergeants, four corporals, one farrier, one blacksmith, two musicians, and sixty privates. There shall also be one adjutant and one sergeant-major, to be selected as aforesaid.

SEC. 8. There shall be four brigadier generals, who shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to one aid-de-camp each, to be selected from the subalterns of the line of the army, who, in addition to their duties as aids-de-camp, may perform the duties of assistants adjutant general.

SEC. 9. All officers of the army shall be appointed by the President, by and with the advice and consent of the Congress, and the rank and file shall be enlisted for a term not less than three nor more than five years, under such regulations as may be established.

SEC. 10. No officer shall be appointed in the army until he shall have passed an examination satisfactory to the President, and in such manner as he may prescribe, as to his character and fitness for the service. The President, however, shall have power to postpone this examination for one year after appointment, if in his judgment necessary for the public interest.

SEC. 11. All vacancies in established regiments and corps, to and including the rank of colonel, shall be filled by promotion according to seniority, except in case of disability or other incompetency. Promotions to and including the rank of colonel shall be made regimentally in the infantry and cavalry, in the staff departments, and in the engineers

and artillery, according to corps. Appointments to the rank of brigadier general, after the army is organized, shall be made by selection from the army.

Brigadier Generals to be selected from the Army.

SEC. 12. The President of the Confederate States is hereby authorized to appoint to the lowest grade of subaltern officers such meritorious non-commissioned officers as may, upon the recommendation of their colonels and company officers, be brought before an army board, specially convened, for the purpose, and found qualified for the duties of commissioned officers, and to attach them to regiments or corps, as supernumerary officers, if there be no vacancies: *Provided*, There shall not be more than one so attached to any one company at the same time.

Appointment of subaltern officers.

Proviso.

SEC. 13. The pay of a brigadier general shall be three hundred and one dollars per month. The aid-de-camp of a brigadier general, in addition to his pay as lieutenant, shall receive thirty-five dollars per month.

Pay of Brigadier General; of his aid-de-camp.

SEC. 14. The monthly pay of the officers of the corps of engineers shall be as follows: of the colonel, two hundred and ten dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; lieutenants serving with the company of sappers and miners shall receive the pay of cavalry officers of the same grade.

Pay of officers of the Engineer Corps.

SEC. 15. The monthly pay of the colonel of the corps of artillery shall be two hundred and ten dollars; of a lieutenant colonel, one hundred and eighty-five dollars; of a major, one hundred and fifty dollars; and when serving on ordnance duty, one hundred and sixty-two dollars; of a captain, one hundred and thirty dollars; of a first lieutenant, ninety dollars; of a second lieutenant, eighty dollars; and the adjutant shall receive, in addition to his pay as lieutenant, ten dollars per month. Officers of artillery serving in the light artillery, or performing ordnance duty, shall receive the same pay as officers of cavalry of the same grade.

Pay of officers of Artillery.

SEC. 16. The monthly pay of the officers of the infantry shall be as follows: of a colonel, one hundred and ninety-five dollars; of a lieutenant colonel, one hundred and seventy dollars; of a major, one hundred and fifty dollars; of a captain, one hundred and thirty dollars; of a first lieutenant, ninety dollars; of a second lieutenant, eighty dollars; the adjutant, in addition to his pay as lieutenant, ten dollars.

Pay of officers of Infantry.

SEC. 17. The monthly pay of the officers of the cavalry shall be as follows: of a colonel, two hundred and ten dollars; of a lieutenant colonel, one hundred and eighty-five dollars; a major, one hundred and sixty-two dollars; a captain, one hundred and forty dollars; a first lieutenant, one hundred dollars; a second lieutenant, ninety dollars; the adjutant, ten dollars per month, in addition to his pay as lieutenant.

Pay of officers of Cavalry.

SEC. 18. The pay of the officers of the general staff, except those of the medical department, shall be the same as that of officers of cavalry of the same grade. The surgeon general shall receive an annual salary of three thousand dollars, which shall be in full of all pay and allowances, except fuel and quarters. The monthly pay of a surgeon, of ten years' service in that grade, shall be two hundred dollars; a surgeon of less than ten years' service in that grade, one hundred and sixty-two dollars; an assistant surgeon of ten years' service in that grade, one hundred and fifty dollars; an assistant surgeon of five years' service in that grade, one hundred and thirty dollars; and an assistant surgeon of less than five years' service, one hundred and ten dollars.

Pay of officers of the General Staff.

Pay of Surgeon General.

Pay of Surgeons and Ass't Surgeons.

SEC. 19. There shall be allowed in addition to the pay hereinbefore

Additional pay of



commissioned officers, and of United States officers who have resigned or may resign.

provided, to every commissioned officer except the surgeon general, nine dollars per month for every five years' service; and to the officers of the army of the United States, who have resigned or may resign to be received into the service of the Confederate States, this additional pay shall be allowed from the date of their entrance into the former service. There shall also be an additional monthly allowance to every general officer commanding in chief a separate army actually in the field, [of] one hundred dollars.

The pay of officers to be in full of all allowances, except forage, fuel, etc. Allowance of forage, fuel, and quarters; how fixed and furnished.

SEC. 20. The pay of officers, as hereinbefore established, shall be in full of all allowances, except forage, fuel, quarters, and travelling expenses while travelling under orders. The allowance of forage, fuel and quarters shall be fixed by regulations and shall be furnished in kind, except when officers are serving at stations without troops where public quarters cannot be had, in which case there may be allowed, in lieu of forage, eight dollars per month for each horse to which they may be entitled, provided they are actually kept in service and mustered; and quarters may be commuted at a rate to be fixed by the Secretary of War, and fuel at the market price delivered. An officer when travelling under orders shall be allowed mileage at the rate of ten cents per mile.

May be commuted.

Mileage allowed of officers.

Forage allowed of officers of the army in time of war;

SEC. 21. In time of war, officers of the army shall be entitled to draw forage for horses, according to grade, as follows: A brigadier general, four; the adjutant and inspector general, quartermaster general, commissary general, and the colonels of engineers, artillery, infantry and cavalry, three each; all lieutenant colonels and majors, and captains of the general staff, engineer corps, light artillery and cavalry, three each: lieutenants serving in the corps of engineers, lieutenants of light artillery and of cavalry, two each. In time of peace: general and field officers, three; officers below the rank of field officers, in the general staff, corps of engineers, light artillery and cavalry, two; provided in all cases that the horses are actually kept in service and mustered. No enlisted man in the service of the Confederate States shall be employed as a servant by any officer of the army.

in time of peace.

No enlisted man to be employed as a servant.

Pay of enlisted men.

SEC. 22. The monthly pay of the enlisted men of the army of the Confederate States shall be as follows: That of a sergeant or master workman of the engineer corps, thirty-four dollars; that of a corporal or overseer, twenty dollars; privates of the first class, or artificers, seventeen dollars; and privates of the second class, or laborers, and musicians, thirteen dollars. The sergeant major of cavalry, twenty-one dollars; first sergeants, twenty dollars; sergeants, seventeen dollars; corporals, farriers and blacksmiths, thirteen dollars; musicians, thirteen dollars; and privates, twelve dollars. Sergeants major of artillery and infantry, twenty-one dollars; first sergeants, twenty dollars each; sergeants, seventeen dollars; corporals and artificers, thirteen dollars; musicians, twelve dollars; and privates, eleven dollars each. The non-commissioned officers, artificers, musicians and privates serving in light batteries, shall receive the same pay as those of cavalry.

President authorized to enlist master armorers, and others, for ordnance service.

SEC. 23. The President shall be authorized to enlist as many master armorers, master carriage-makers, master blacksmiths, armorers, carriage-makers, blacksmiths, artificers and laborers, for ordnance service, as he may deem necessary, not exceeding in all one hundred men, who shall be attached to the corps of artillery. The pay of a master armorer, master carriage-maker, master blacksmith, shall be thirty-four dollars per month; armorers, carriage-makers and blacksmiths, twenty dollars per month; artificers, seventeen dollars, and laborers, thirteen dollars per month.

Their pay.

Rations.

SEC. 24. Each enlisted man of the army of the Confederate States

shall receive one ration per day, and a yearly allowance of clothing, the quantity and kind of each to be established by regulations from the War Department, to be approved by the President.

Clothing.

SEC. 25. Rations shall generally be issued in kind, but under circumstances rendering a commutation necessary, the commutation value of the ration shall be fixed by regulations of the War Department, to be approved by the President.

Rations issued in kind; commutation value fixed.

SEC. 26. The officers appointed in the army of the Confederate States by virtue of this act, shall perform all military duties to which they may be severally assigned by authority of the President, and it shall be the duty of the Secretary of War to prepare and publish regulations, prescribing the details of every department in the service, for the general government of the army, which regulations shall be approved by the President, and when so approved shall be binding.

Duties of officers.

Secretary of War to prescribe details for the general government of the Army.

SEC. 27. All officers of the quartermaster's and commissary departments shall, previous to entering on the duties of their respective offices, give bonds, with good and sufficient sureties, to the Confederate States, in such sum as the Secretary of War shall direct, fully to account for all moneys and public property which they may receive.

Quartermasters and commissaries to give bond.

SEC. 23. Neither the quartermaster general, the commissary general, nor any or either of their assistants, shall be concerned, directly or indirectly, in the purchase or sale of any articles intended for, making a part of, or appertaining to public supplies, except for and on account of the Confederate States; nor shall they, or either of them, take or apply to his or their own use any gain or emolument for negotiating any business in their respective departments, other than what is or may be allowed by law.

Not to be concerned in certain purchases or sales.

SEC. 29. The Rules and Articles of War established by the laws of the United States of America for the government of the army are hereby declared to be of force, except that wherever the words "United States" occur, the words "Confederate States" shall be substituted therefor; and except that the articles of war numbers sixty-one and sixty-two are hereby abrogated, and the following articles substituted therefor:

Rules and articles of War.

"ARTICLE 61. Officers having brevets or commissions of a prior date to those of the corps in which they serve will take place on courts marshal or of inquiry, and on boards detailed for military purposes, when composed of different corps, according to the ranks given them in their brevet or former commissions, but in the regiment, corps, or company to which such officers belong, they shall do duty and take rank, both in courts and on boards as aforesaid, which shall be composed of their own corps, according to the commissions by which they are there mustered.

"ARTICLE 62. If upon marches, guards, or in quarters, different corps shall happen to join or do duty together, the officer highest in rank, according to the commission by which he is mustered in the army, navy, marine corps, or militia, there on duty by orders from competent authority, shall command the whole and give orders for what is needful for the service, unless otherwise directed by the President of the Confederate States in orders of special assignment providing for the case."

SEC. 30. The President shall call into the service of the Confederate States only so many of the troops herein provided for as he may deem the safety of the Confederacy may require.

Only such troops as are needed to be called into service.

SEC. 31. All laws or parts of laws of the United States, which have

Laws repealed.

been adopted by the Congress of the Confederate States, repugnant to or inconsistent with this act, are hereby repealed.

APPROVED March 6, 1861.

March 7, 1861.

CHAP. XXX.—*An Act to create the Clerical Force of the several Executive Departments of the Confederate States of America, and for other purposes.*

Clerical force of the several Departments.

*The Congress of the Confederate States of America do enact, That the clerical force of the several departments of the Confederate States of America shall consist of the following officers:*

Clerks in the State Department, and their salaries.

To the State Department there shall be one chief clerk, at a salary of fifteen hundred dollars per annum, and one clerk, at a salary of twelve hundred dollars per annum, and also a messenger, whose annual compensation shall be five hundred dollars.

Clerks in the Treasury Department, and their salaries.

To the Treasury Department there shall be a chief clerk, whose salary shall be fifteen hundred dollars per annum, and three other clerks, who shall receive each twelve hundred dollars per annum; and there shall be one messenger, at an annual compensation of five hundred dollars.

Messenger.

Clerks to each of the bureaus of the Treasury Department, and their salaries.

To each of the bureaus of the Treasury Department, viz.: the Comptroller, the Auditor, the Register and the Treasurer, there shall be a chief clerk, whose salaries shall be each fifteen hundred dollars per annum; and to all of said bureaus there shall be twenty-two clerks, eleven of whom shall receive salaries of twelve hundred dollars each per annum, and eleven shall receive salaries of one thousand dollars each per annum; and the said Secretary of the Treasury shall have power to distribute said twenty-two clerks among the said bureaus, as in his judgment will best subserve the public interest; and to each of the offices of Comptroller, Auditor, Register and Treasurer, there shall be a messenger, with an annual salary of five hundred dollars.

Messengers.

Chief of the bureau and clerks in the War Department, and their salaries.

To the War Department there shall be a Chief of the Bureau of War, at an annual salary of three thousand dollars, and five clerks, who shall each receive twelve hundred dollars per annum; and one of them may be appointed disbursing clerk, with an additional salary of six hundred dollars, who shall give bond with sureties, to be approved by the Secretary of War. There shall also be one messenger, whose compensation shall be five hundred dollars per annum. And to all of the bureaus of the War Department, viz.: the Adjutant and Inspector General, Quartermaster General, the Commissary General, the Surgeon General, the Chief Engineer and the Artillery, there shall be fourteen clerks, seven of whom shall receive each a salary of twelve hundred dollars, and seven a salary each of one thousand dollars per annum.

Messenger.

Clerks of the bureaus.

Secretary of War to assign clerks to duty.

And the Secretary of War is hereby authorized to assign said clerks to duty in the respective offices enumerated, as in his judgment will best promote the public service. And to each of said named bureaus, except the office of Surgeon General, there shall be, if deemed necessary by the Secretary of War, a messenger, at an annual compensation of five hundred dollars.

Messengers to bureaus.

Assistant Postmaster General, and clerks in the Post-office Department; their salaries.

To the Postoffice Department there shall be an Assistant Postmaster General, with a salary of three thousand dollars per annum, and a chief clerk at a salary of fifteen hundred dollars per annum, and ten other clerks, five of whom shall receive salaries each of twelve hundred, and five shall receive salaries each of one thousand dollars per



annum. And there shall be one messenger, at an annual salary of five hundred dollars.

Messenger.

To the Department of Justice there shall be an Assistant Attorney General, at a salary of twenty-five hundred dollars per annum, and one clerk, whose annual salary shall be twelve hundred dollars, and also a messenger, at a salary of five hundred dollars.

Assistant Attorney General and clerk in the Department of Justice, and their salaries.

Messenger.

SEC. 2. The annual salaries of the Assistant Secretary of State, the Assistant Secretary of the Treasury, the Comptroller, the Auditor, the Register, and the Treasurer, shall each be the sum of three thousand dollars per annum.

Salaries of Assistant Secretary of State and of the Treasury, and Chiefs of Bureaus in the Treasury Department.

SEC. 3. The President of the Confederate States of America is hereby authorized to appoint or employ in his official household the following officers, to-wit: one private secretary, at an annual salary of twelve hundred dollars, and one messenger, at an annual salary of five hundred dollars.

Officers in President's household, and their salaries.

SEC. 4. *And be it further enacted*, That the Secretaries of State, Treasury, War, Navy, Attorney General, and Postmaster General, are hereby authorized to employ such other clerical force in their respective departments as the exigencies of the public service may absolutely require, being limited in the compensation to the lower grade of salary for clerks provided for in this bill; they are also empowered to employ such laborers for their respective offices as may be required, not exceeding one for each of the executive departments, and whose compensation shall not exceed one dollar and fifty cents per day.

Increase of clerical force in the several departments.

Laborers may be employed for the Departments; their compensation.

APPROVED March 7, 1861.

CHAP. XXXI.—*An Act to create the Clerical Force of the Navy Department.*

March 8, 1861.

*The Congress of the Confederate States of America do enact*, That the clerical force of the Navy Department shall consist of one chief clerk, at a salary of fifteen hundred dollars per annum, who shall also perform the duties of disbursing agent and corresponding clerk of said department, and receive therefor an extra compensation of six hundred dollars per annum, and also three other clerks, two of whom shall receive a salary each of twelve hundred dollars per annum, and one a salary of one thousand dollars per annum; and there shall be attached to said department a messenger, whose annual compensation shall be five hundred dollars.

Clerks in the Navy Department and their salaries.

Messenger, and his compensation.

APPROVED March 8, 1861.

CHAP. XXXII.—*An Act to admit certain materials free of Duty, for the construction of Telegraphic Lines from Savannah, in the State of Georgia, to Fort Pulaski, and from Mobile, in the State of Alabama, to Fort Morgan.*

March 9, 1861.

*The Congress of the Confederate States of America do enact*, That certain cable wire and other materials for the construction of a telegraphic line between the city of Savannah, in the State of Georgia, and Fort Pulaski, in the same State, which may be imported by C. C. Walden, the contractor for said line, be admitted free of duty, upon satisfactory proof being submitted to the collector of the port of Savannah that the materials herein designated are imported for and applied to the construction of the said telegraphic line.

Cable wire, etc., for a certain telegraphic line, admitted free of duty;

also materials to construct a certain other telegraphic line.

SEC. 2. *And be it further enacted*, That the materials necessary to construct a telegraphic line from Mobile to Fort Morgan may also be imported free of duty.

APPROVED March 9, 1861.

March 9, 1861.

CHAP. XXXIII.—*An Act to authorize the Issue of Treasury Notes, and to prescribe the Punishment for forging the same, and for forging certificates of Stock, Bonds, or Coupons.*

President to cause Treasury notes to be issued.

*The Congress of the Confederate States of America do enact*, That the President of the Confederate States of America is hereby authorized to cause treasury notes to be issued for such sum or sums as the exigencies of the public service may require, but not to exceed at any time one million of dollars, and of denominations not less than fifty dollars for any such note, to be prepared, signed and issued in the manner hereinafter provided.

When to be paid and redeemed.

SEC. 2. *And be it further enacted*, That such treasury notes shall be paid and redeemed by the Confederate States at the treasury thereof, after the expiration of one year from the dates of said notes, from which dates they shall bear interest at the rate of one cent per day for every hundred dollars issued: *Provided*, That after the maturity of any of said notes, interest thereon shall cease at the expiration of sixty days' notice of readiness to pay and redeem the same, which may at any time or times be given by the Secretary of the Treasury, in one or more newspapers published at the seat of government. The payment or redemption of said notes herein provided shall be made to the lawful holders thereof respectively, upon presentment at the treasury, and shall include the principal of each note and the interest which shall be due thereon. And for such payment and redemption, at the time or times herein specified, the faith of the Confederate States of America is hereby pledged.

Preparation and signing of Treasury notes.

SEC. 3. *And be it further enacted*, That such treasury notes shall be prepared under the direction of the Secretary of the Treasury, and shall be signed, in behalf of the Confederate States of America, by the treasurer thereof, and countersigned by the register of the treasury. Each of these officers shall keep, in a book or books provided for that purpose, separate, full and accurate accounts, showing the number, date, amount and rate of interest of each treasury note signed and countersigned by them respectively; and also similar accounts, showing all such notes as may be paid, redeemed and cancelled, as the same may be returned, all which accounts shall be carefully preserved in the Treasury Department. And the treasurer shall account quarterly for all such treasury notes as shall have been countersigned by the register and delivered to the treasurer for issue.

Accounts to be kept of notes issued, redeemed and cancelled.

To be issued in payment of warrants in favor of public creditors.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, with the approbation of the President, to cause such portion of said treasury notes as may be deemed expedient to be issued by the treasurer in payment of warrants in favor of public creditors or other persons lawfully entitled to such payment who may choose to receive such notes in payment at par. And the Secretary of the Treasury is further authorized, with the approbation of the President, to borrow from time to time such sums of money, upon the credit of such notes, as the President may deem expedient: *Provided*, That no treasury notes shall be pledged, hypothecated, sold or disposed of in any way, for any purpose whatever, either directly or indirectly, for any sum less than the amount of such notes, including the principal and interest thereof.

Borrowing of money on the credit of treasury notes.

SEC. 5. *And be it further enacted*, That said treasury notes shall be transferable, by assignment, endorsed thereon by the person to whose order the same shall be made payable, accompanied together with the delivery of notes so assigned.

Notes transferable by assignment.

SEC. 6. *And be it further enacted*, That said treasury notes shall be received by the proper officers in payment of all duties and taxes laid by the authority of the Confederate States of America, of all public lands sold by said authority, and of all debts to the Confederate States of America, of any character whatever, which may be due and payable at the time when said treasury notes may be offered in payment thereof, except the export duty on cotton; and upon every such payment credit shall be given for the amount of principal and interest, if any, due on the note or notes received in payment on the day when the same shall have been received by such officer.

Receivable in payment of all dues to the U. S., except the export duty on cotton.

SEC. 7. *And be it further enacted*, That every collector of the customs, receiver of public moneys, or other officer or agent of the Confederate States of America, who shall receive any treasury note or notes in payment on account of the Confederate States of America, shall take from the holder of such note or notes a receipt upon the back of each, stating distinctly the date of such payment and the amount allowed upon such note; and every such officer or agent shall keep regular and specific entries of all treasury notes received in payment, showing the person from whom received, the number, date and amount of principal and interest, if any, allowed on each and every treasury note received in payment, which entries shall be delivered to the treasury, with the treasury note or notes mentioned therein, and if found correct, such officer or agent shall receive credit for the amount.

Public officers to take receipts on treasury notes from the holders.

Entries of treasury notes received in payment of public dues, and the character thereof.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury be and he hereby is authorized to make and issue from time to time such instructions, rules and regulations to the several collectors, receivers, depositaries and all others who may be required to receive such treasury notes in behalf of and as agents in any capacity for the Confederate States of America, as to the custody, disposal, cancelling and return of any such notes as may be paid to and received by them respectively, and as to the accounts and returns to be made to the Treasury Department of such receipts, as he shall deem best calculated to promote the public convenience and security, and to protect the Confederate States of America, as well as individuals, from frauds and loss.

Secretary of the Treasury to make rules, as to the custody, disposal, etc., of the notes,

and the accounts and returns of such receipts.

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury be and he hereby is authorized and directed to cause to be paid the principal and interest of such treasury notes as may be issued under this act, at the time and times when, according to its provisions, the same should be paid. And the said secretary is further authorized to purchase said notes at par, for the amount of principal and interest due at the time of the purchase of such notes. And so much of any unappropriated money in the treasury as may be necessary for the purpose is hereby appropriated to the payment of the principal and interest on said notes.

Payment of treasury notes.

SEC. 10. *And be it further enacted*, That in place of such treasury notes as may have been paid and redeemed, other treasury notes to the same amount may be issued: *Provided*, That the aggregate sum outstanding under the authority of this act shall at no time exceed one million of dollars: *And provided further*, That the power to issue and re-issue treasury notes conferred on the President by this act, shall cease and determine on the first day of March, eighteen hundred and sixty-two.

Other treasury notes may be issued in lieu of those paid and reserved.



Forging or counterfeiting of treasury notes.

SEC. 11. *And be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note in imitation of or purporting to be a treasury note, issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish as true any false, forged or counterfeited note, purporting to be a treasury note as aforesaid, knowing the same to be falsely made, forged or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid and assist in falsely altering any treasury note issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish as true any falsely altered treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years nor more than ten years, and to be fined in a sum not exceeding five thousand dollars.

Penalty.

Penalty for making or engraving plates to be used in forging or counterfeiting such notes.

SEC. 12. *And be it further enacted*, That if any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his possession any metallic plate engraved after the similitude of any plate from which any notes issued as aforesaid shall have been printed, with intent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any blank note or notes engraved and printed after the similitude of any notes issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, or shall have in his custody or possession any paper adapted to the making of such notes, and similar to the paper upon which any such notes shall have been issued, with intent to use such paper or cause or suffer the same to be used in forging or counterfeiting any of the notes issued as aforesaid, every such person, being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept to hard labor for a term not less than three nor more than ten years, and fined in a sum not exceeding five thousand dollars.

Penalty for forging or counterfeiting any certificate of stock or bond, or coupon issued under the act of the 28th Feb., 1861.

SEC. 13. *And be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making or forging, or counterfeiting any certificate of stock or bond, or coupon, in imitation of or purporting to be a certificate of stock or bond, or coupon, issued in accordance with the provisions of the act entitled an act to raise money for the support of the government, and to provide for the defence of the Confederate States of America, approved the twenty-eighth day of February, eighteen hundred and sixty-one, or shall pass, utter or publish, or attempt to pass, utter or publish as true any false, forged or counterfeited certificate of stock or bond, or coupon, purporting to be a certificate of stock or bond, or coupon, as aforesaid, knowing the same to be falsely made, forged or counterfeited, or shall falsely alter or cause, or procure to be falsely altered, or willingly aid or assist in falsely altering any certificate of stock or bond, or coupon, issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish as true any falsely altered certificate of stock or bond, or coupon, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of a felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at labor for a period not less than three years nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

APPROVED March 9, 1861.

CHAP. XXXIV.—*An Act to provide for an Assistant Treasurer of the Confederate States of America, and a Treasurer for the Mint in the City of New Orleans.*

March 9, 1861.

*The Congress of the Confederate States of America do enact, That* the branch mint, formerly belonging to the United States, in the city of New Orleans, and the vaults and safes thereof, shall be the place of deposit of the public money of the Confederate States of America in that city; and the President shall nominate, and by and with the advice and consent of Congress shall appoint an assistant treasurer of the Confederate States of America, who shall hold his office until the expiration of this Provisional Government. And the said assistant treasurer shall have the custody and care of all public moneys deposited in said place of deposit, and shall perform all the duties required by law to be performed by assistant treasurers of the Confederate States, who shall give a bond with sureties for the faithful discharge of the duties of his office, which bond shall be for the sum of one hundred thousand dollars, and the sureties shall be approved by the Secretary of the Treasury: *Provided*, That it shall not be necessary that each surety shall bind himself for the whole amount of the bond, but the aggregate amount for which the sureties are severally bound shall be equal to the full sum of one hundred thousand dollars: *Provided*, That each surety shall be bound for at least twenty thousand dollars.

Branch int at New Orleans to be the place of deposit of public moneys in that city.

Assistant Treasurer to be appointed.

His duties.

Bond and security.

Proviso.

SEC. 2. *And it is further enacted*, That the salary of said assistant treasurer shall be four thousand dollars per annum; and the said assistant treasurer shall also perform the duties of treasurer of the mint, without any further compensation than is herein provided.

Assistant Treasurer's salary.

To perform the duties of treasurer of the mint.

APPROVED March 9, 1861.

CHAP. XXXV.—*An Act further to provide for the organization of the Post Office Department.*

March 9, 1861.

*The Congress of the Confederate States of America do enact, That* to the Post Office Department there shall be a chief of the contract bureau, a chief of the appointment bureau, and a chief of the finance bureau, each of whom shall be entitled to an annual salary of two thousand five hundred dollars; also a chief clerk, who shall be entitled to an annual salary of fifteen hundred dollars; also a draftsman, for such time as his services may be required, at an annual salary of fifteen hundred dollars, or at that rate for a shorter period than one year; also ten clerks at an annual salary of twelve hundred dollars each, and ten additional clerks at an annual salary of one thousand dollars each. And the Postmaster General is hereby authorized to employ such other clerical force in his department as the exigencies of the public service may absolutely demand, the salaries of such superadded clerks to be so employed by him not to exceed one thousand dollars each; but this power, together with the tenure of such appointees, shall extend no longer than the end of the first session of the next Congress. And he may also employ one messenger, at an annual salary of five hundred dollars; and also two laborers, at an expense of not more than one dollar and fifty cents each per day.

Chiefs of bureaus, clerks and draftsman, in Post Office Department, and their salaries.

Postmaster General authorized to increase clerical force.

Messenger and laborers.

SEC. 2. *Be it further enacted*, That so much of an act entitled "An act to create the clerical force of the several executive departments of the Confederate States of America, and for other purposes," as relates to the Post Office Department of the Confederate States be and the same is hereby repealed.

Act creating clerical force in the Post Office Department, repealed.

SEC. 3. *And be it further enacted*, That the Postmaster General shall have the general power to transfer the clerks authorized by this act from any one bureau to another, according to the exigencies of the public service.

Transfer of clerks from one bureau to another.

APPROVED March 9, 1861.

March 11, 1861.

CHAP. XXXVI.—*An Act to fix the pay of the Members of the Congress of the Confederate States of America.*

Pay and mileage of members of Congress.

*The Congress of the Confederate States of America do enact, That the pay of the members of Congress shall be eight dollars per day during the session, and that each member shall be allowed ten cents per mile for coming to and ten cents per mile for returning from the place where Congress may assemble for each session, to be computed by the usual mail route from his residence to the seat of government.*

Same of the President of Congress.

SEC. 2. *Be it further enacted, That the pay of the President of Congress shall be sixteen dollars per day, and the same mileage as the members.*

APPROVED March 11, 1861.

March 11, 1861.

CHAP. XXXVII.—*An Act making appropriations for the support of Three Thousand Men for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections of An Act of the Congress "To raise Provisional Forces for the Confederate States of America, and for other purposes."*

Appropriation for support of the Provisional troops.

*The Congress of the Confederate States of America do enact, That the following appropriations be made for the support of the provisional troops called into service by the act aforesaid: Pay of the troops, six hundred and fifty-eight thousand six hundred and eighty dollars. Forage for officers' horses and quartermasters' animals and cavalry horses, twenty thousand six hundred and sixty-two dollars. Subsistence for troops, two hundred and seventy thousand dollars. Clothing for the troops, two hundred thousand dollars. Camp and garrison equipage, eighteen thousand two hundred and sixty-seven dollars and seventy-two cents. Supplies for the quartermasters' department, seventy-six thousand one hundred and sixty dollars. Fuel for troops and hospitals, fifty-nine thousand nine hundred and ninety-seven dollars. Medical and hospital department, twenty thousand dollars.*

And for additional troops to be called into service.

SEC. 2. *And be it further enacted, That the additional sum of eight hundred and sixty thousand two hundred and twenty-eight dollars and forty-five cents is hereby appropriated for the support of two thousand additional troops to be called into the service of the Confederate States for twelve months, at Charleston, South Carolina, whenever in the discretion of the President their services may be required.*

APPROVED March 11, 1861.

March 11, 1861.

CHAP. XXXVIII.—*An Act making appropriations for the support of the Regular Army of the Confederate States of America for twelve months, and for other purposes.*

Appropriations for the support of the regular army.

*The Congress of the Confederate States of America do enact, That the following appropriations are made for the support of the regular army for twelve months, viz.: For expenses of recruiting and for transportation of recruits, one hundred and ninety-two thousand five hundred dollars. Pay of the army, two millions seventy thousand four hundred and eighty-four dollars. Forage for officers' horses and for cavalry and light artillery horses, one hundred and seven thousand two hundred dollars. Subsistence for troops, nine hundred and twelve thousand five hundred dollars. Clothing for the army, six hundred and forty-eight thousand seven hundred and eighty dollars. Camp and garrison equipage, sixty thousand dollars. Supplies for the quartermaster's department—consisting of fuel for the officers, enlisted men,*



guards, hospitals, storehouses and offices; of forage in kind for the horses, mules and oxen of the quartermaster's department, at the several posts and stations and with the armies in the field; of postage on letters and packets received and sent by officers of the army on public service; expenses of courts martial and courts of enquiry, including the additional compensation of judge advocates, recorders, members and witnesses, while in that service; extra pay to soldiers employed under the direction of the quartermaster's department in the erection of barracks, quarters, storehouses and hospitals, for constant labor for periods of not less than ten days, including those employed as clerks; expense of interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department; compensation of clerks of the officers of the quartermaster's department; for the apprehension of deserters and the expenses incident to their pursuit; for the following expenses required for the regiment of cavalry and for the four batteries of light artillery; namely, the purchase of travelling forges, blacksmith's and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing; medicine for horses and mules; picket ropes, and for shoeing the horses of the corps named—three hundred and fifty-three thousand nine hundred and fifty-six dollars. For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe keeping of military stores, and of grounds for summer cantonments and for temporary frontier stations, for commutation of forage for officers' horses when it cannot be drawn in kind, three hundred and fifty thousand dollars. For mileage, or the allowance made to officers of the army for the transportation of themselves and their baggage when travelling on duty without troops, escorts or supplies, thirty-five thousand dollars: *Provided*, That mileage shall not be allowed when the officer has been transferred or relieved at his own request. For transportation of the army—including the baggage of the troops when moving either by land or water, of horse equipments, and of subsistence—from the places of purchase, and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent, of ordnance, ordnance stores and small arms, freights, wharfage, tolls, and ferriages, hire of horses, mules and oxen, and the purchase and repair of wagons, carts and drays, and of ships and other sea going vessels required for the transportation of supplies and for garrison purposes, for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the disbursing departments, the expense of public transports on the various rivers, the gulf of Mexico and the Atlantic, six hundred and fifty thousand dollars. For the purchase of horses for the regiment of cavalry and four batteries of light artillery, one hundred and sixty-three thousand two hundred dollars. Contingencies of the army, fifteen thousand dollars. For the medical and hospital departments, seventy-five thousand dollars. Contingencies of the adjutant general's department, six hundred dollars. Armament of fortifications and purchase of light artillery, two hundred and fifty thousand dollars. Purchase, manufacture and alteration of small arms, four hundred and fifty thousand dollars. For ordnance, ordnance stores and supplies, including horse equipments for the regiment of cavalry and for light batteries, one hundred and ninety-nine thousand five hundred and forty dollars.

*Provido.*

Secretary of War may apply any part of appropriations to support of the Provisional forces.

SEC. 2. *And be it further enacted,* That the Secretary of War, under the direction of the President, be and he is hereby authorized to apply any portion of the appropriations made by this act to the support of the provisional forces which may be called into service, whenever in his opinion the same may be necessary.

APPROVED March 11, 1861.

March 11, 1861.

CHAP. XXXIX.—*An Act to establish a Court of Admiralty and Maritime Jurisdiction at Key West, in the State of Florida.*

Court of Admiralty at Key West, State of Florida.

*The Congress of the Confederate States of America do enact,* That a court of admiralty and maritime jurisdiction at Key West, in the State of Florida, shall be and is hereby created, which shall have cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under the revenue laws or laws of navigation and trade of the Confederate States, when the seizures are made or cause of complaint arises on waters which are navigable from the sea by vessels of ten or more tons burden, as well as upon the high seas, saving to suitors in all cases the right of a common law remedy, where the remedy at common law is ample and complete. The said court shall exercise jurisdiction in all that part of the State of Florida which lies south of a line drawn due east and west from the northern point of Charlotte Harbor, including the islands, keys, reefs, shoals, harbors, bays and inlets south of said line.

Jurisdiction.

SEC. 2. The said court shall also have cognizance of all crimes and offences cognizable under the authority of the Confederate States arising upon the high seas and within the territorial limits aforesaid. And until otherwise provided by law of Congress, the laws of the United States in regard to crimes and offences, and to the mode of procedure, practice and trial in all criminal or penal cases, shall be in force and form the rule of practice and decision in the said court.

Judge of said court, and his salary.

SEC. 3. There shall be appointed by the President, by and with the advice and consent of Congress, a judge of said court, for the term prescribed by the Constitution, who shall receive compensation at the rate of three thousand five hundred dollars per annum, payable quarterly. The judge shall reside at Key West, in the State aforesaid, and shall hold two regular terms of said court in each year, at Key West, the one commencing on the first Monday of May, the other on the first Monday of November in each year; and shall hold extra sessions of the same from time to time, at such places in said district as occasion may require, to dispatch the business of said court. And the said court shall be at all times open for the purpose of hearing and determining all cases of admiralty and maritime jurisdiction.

Where to reside.

Terms of court.

Extra session.

Marshal and clerk.

SEC. 4. The said judge shall also appoint a marshal and a clerk for said court, who shall be in all respects subject to the provisions of the act entitled "An Act to establish the judicial courts of the Confederate States of America," so far as the same relates to the bonds, oaths, qualifications, powers, duties, liabilities and official conduct of the clerks or marshals respectively, and to the remedy for any violation of duty, breach of bond or other official delinquency. And they shall also have the same fees for their respective service as in said act are prescribed.

Their fees.

Residence of clerk, and his duties.

SEC. 5. The clerk shall reside and keep the records of the court at the place of holding the same, and it shall also be his duty to attend the sittings of the said court wherever held, and keep a record of its acts and proceedings, as if held at the regular place of holding the

same. The said marshal shall also attend the said court wherever holden, and shall have power to appoint as many deputies as he may deem necessary, for whose official acts he shall be bound as for his own.

*Marshal to attend court, may appoint deputies.*

SEC. 6. Appeals may be allowed and writs of error sued out from said court to the supreme court of the Confederate States, in the same manner and upon the same terms as from a district court of the Confederate States.

*Appeals and writs of error.*

SEC. 7. The said judge shall also appoint for said court a fit person, learned in law, to act as attorney for the Confederate States in all matters touching their interest, and in all crimes and offences against their laws. He shall receive for his services a salary of two hundred dollars per annum, payable quarterly, and the further sum of five dollars a day for each day that he may attend said court when in actual session.

*Judge to appoint an attorney.*

*His duties, and compensation.*

SEC. 8. *And be it further enacted*, That no vessel, or any master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of said court; and before licensing any vessel or master, the judge shall be satisfied that the vessel is seaworthy and properly and sufficiently equipped and fitted for the business of saving property shipwrecked and in distress, and that the master thereof is trustworthy and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on said coast.

*Business of wrecking on the coast of Florida.*

*Judge may grant licenses.*

SEC. 9. That the said court shall conform to the practice of the district courts when exercising admiralty and maritime jurisdiction, and shall moreover have power to make rules to govern the practice therein, not inconsistent with the laws of the Confederate States.

*When the court to conform to the practice of the District Courts.*

*May make rules of practice.*

*Writs and process.*

SEC. 10. All writs and process, either mesne or final, which shall issue from said court, shall bear test of the judge of said court, and shall be under the seal and signed by the clerk thereof.

SEC. 11. This act shall take effect and be in force from and after the passage thereof.

*When act takes effect.*

APPROVED March 11, 1861.

CHAP. XL.—*An Act making appropriations to carry out the provisions of "An Act to Provide for the Public Defence."*

March 12, 1861.

*The Congress of the Confederate States of America do enact*, That to enable the President to carry into effect the provisions of the act of the Congress of the Confederate States, entitled "An act to provide for the public defence," and to provide for the pay, subsistence and transportation of such volunteer forces as may be called into service by authority of the said act, the sum of five millions of dollars, or as much thereof as may be necessary, be and the same is hereby appropriated from any moneys in the treasury, not otherwise appropriated.

*Appropriation for the public defence, and for pay, etc., of volunteer forces.*

APPROVED March 12, 1861.

CHAP. XLI.—*An Act amendatory of An Act for the organization of the Staff Departments of the Army, and An Act for the establishment and organization of the Army of the Confederate States of America.*

March 14, 1861.

*The Congress of the Confederate States of America do enact*, That the adjutant and inspector general's department shall consist of two assistant adjutants general with the rank of lieutenant colonel, two

*Adjutant and Inspector General's Department re-organized.*



assistant adjutants general with the rank of major, and four assistant adjutants general with the rank of captain.

Brigadier General added to those heretofore appointed.

May be assigned to the duty of Adjutant and Inspector General.

Quartermaster General's Department reorganized.

Commissary General's Department reorganized.

SEC. 2. *Be it further enacted*, That there shall be added one brigadier general to those heretofore authorized by law, and that any one of the brigadier generals of the army of the Confederate States may be assigned to the duty of adjutant and inspector general, at the discretion of the President.

SEC. 3. *Be it further enacted*, That the quartermaster general's department shall consist of one quartermaster general with the rank of colonel, one assistant quartermaster general with the rank of lieutenant colonel, four assistant quartermasters with the rank of major, and such other officers in that department as are already provided by law.

SEC. 4. *Be it further enacted*, That the commissary general's department shall consist of one commissary general with the rank of colonel, one commissary with the rank of lieutenant colonel, one commissary with the rank of major, and three commissaries with the rank of captain; and as many assistant commissaries as may from time to time be required by the service may be detailed by the War Department from the subalterns of the line, who, in addition to their pay in the line, shall receive twenty dollars per month while engaged in that service.

Commissions to officers of U. S. army who have resigned and been appointed to original vacancies in the army of the C. S., to bear the same date.

SEC. 5. *Be it further enacted*, That in all cases of officers who have resigned, or who may within six months tender their resignations from the army of the United States, and who have been or may be appointed to original vacancies in the army of the Confederate States, the commissions issued shall bear one and the same date, so that the relative rank of officers of each grade shall be determined by their former commissions in the United States army, held anterior to the secession of these Confederate States from the United States.

Oath prescribed for officers, non-commissioned officers, musicians and privates.

SEC. 6. *Be it further enacted*, That every officer, non-commissioned officer, musician and private shall take and subscribe the following oath or affirmation, to-wit: I, A. B., do solemnly swear or affirm (as the case may be) that while I continue in the service I will bear true faith and yield obedience to the Confederate States of America, and that I will serve them honestly and faithfully against their enemies, and that I will observe and obey the orders of the President of the Confederate States, and the orders of the officers appointed over me, according to the rules and articles of war.

Laws militating against this act, repealed.

SEC. 7. *Be it further enacted*, That all laws and parts of laws militating against this act be and the same are hereby repealed.

APPROVED March 14, 1861.

March 14, 1861.

CHAP. XLII.—An Act to regulate Foreign Coins in the Confederate States.

Laws of the U. S. for the regulation of the mints and branch mints, declared to be in force.

*The Congress of the Confederate States of America do enact*, That all laws and parts of laws now in force for the regulation of the mint and branch mints of the United States, and for the government of the officers and persons employed therein, and for the punishment of all offences connected with the mint or coinage of the United States, shall be and they are hereby declared to be in full force in relation to the mints of New Orleans and Dahlonega.

Also the laws of the U. S. in reference to coins, and coinage.

SEC. 2. That all laws now in force in reference to the coins of the United States, and the striking and coining the same, shall, as far as applicable, have full force and effect in relation to the coins therein authorized, whether the said laws are penal or otherwise, and whether they are for preventing counterfeiting or debasement, for protecting the

currency, for regulating and guarding the process of striking and coining and the preparations therefor, or for the security of the coin, or for any other purpose.

SEC. 3. That the silver coins issued in conformity with the law[s] of the United States of twenty-first of February and third of March, eighteen hundred and fifty-three, shall be legal tenders in payment of debts for all sums not exceeding ten dollars, all laws to the contrary notwithstanding.

Silver coins issued under act of the U. S. of 21st Feb and 3rd March, 1853, made legal tenders.

SEC. 4. That the following foreign gold coins shall pass current as money within the Confederate States of America, and be receivable for the payment of all debts and demands at the following rates, that is to say: The sovereign of England, of no less a weight than five pennyweights and three grains, and of the fineness of (915½) nine hundred and fifteen and one-half thousandths, shall be deemed equal to four dollars and eighty-two cents. The Napoleon, of the weight of not less than (4 dwts., 3½ grs.) four pennyweights three grains and one-half, and of a fineness of not less than (899) eight hundred ninety-ninth thousandths, shall be deemed equal to three dollars and eighty-two cents. The Spanish and Mexican doubloons, of no less a weight than (17 dwts., 8½ grs.) seventeen pennyweights eight grains and one-half, and of the fineness of not less than (899) eight hundred ninety-ninth thousandths, shall be deemed equal to fifteen dollars and fifty-three cents.

Foreign gold coin to pass current as money at certain rates.

SEC. 5. That the following silver coins shall pass current as money within the Confederate States of America, and be receivable in payment for all debts and demands at the following rates, that is to say: The American dollar, (412½ grs.) four hundred and twelve and one-half grains, and the dollar of Mexico, of not less than (897) eight hundred ninety-seventh-thousandths in fineness and (415 grs.) four hundred fifteen grains in weight, shall be deemed equal to one dollar and two cents. The five-franc piece, of not less than (900) nine hundred thousandths in fineness and (384) three hundred eighty-four grains in weight, shall be deemed equal to ninety-five cents.

Silver coins to pass current as money at certain rates.

Be it further enacted, That all laws and parts of laws inconsistent with this act be and the same are hereby repealed.

Laws repealed.

APPROVED March 14, 1861.

CHAP. XLIII.—An Act making appropriations for the Legislative, Executive and Judicial expenses of Government, for the year ending fourth of February, eighteen hundred and sixty-two.

March 15, 1861.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed, for the year ending the fourth of February, eighteen hundred and sixty-two, namely:

Appropriations.

*Legislative.*—For compensation and mileage of members of Congress, twenty-six thousand seven hundred and forty dollars.

Legislative.

For compensation of the officers, clerks and messengers, and others employed by Congress, nine thousand dollars.

For the contingent expenses of Congress, twenty thousand dollars.

*Executive.*—For compensation of the President of the Confederate States, twenty-five thousand dollars.

Executive.

For compensation of the Vice President of the Confederate States, six thousand dollars.

For compensation of the private secretary of the President, and messenger, one thousand seven hundred dollars.

For contingent expenses of the executive office, three hundred and fifty dollars.

Department of State.

*Department of State.*—For compensation of the Secretary of State, and assistant secretary, clerks and messenger, twelve thousand two hundred dollars.

For the incidental and contingent expenses of said department, thirty-two thousand dollars.

Treasury Department.

*Treasury Department.*—For compensation of Secretary of the Treasury, assistant secretary of the treasury, comptroller, auditor, treasurer and register, clerks and messengers, including those employed in the several bureaus of the Treasury Department, fifty-eight thousand eight hundred dollars.

For the incidental and contingent expenses of said department, including the bureaus, twelve thousand dollars.

War Department.

*War Department.*—For compensation of Secretary of War, chief of bureau, clerks and messengers, including the clerks and messengers in the several offices of adjutant general, quartermaster general, commissary general, surgeon general, chief engineer and artillery, thirty-four thousand dollars.

For incidental and contingent expenses of said department, twenty-five thousand dollars.

Navy Department.

*Navy Department.*—For compensation of Secretary of the Navy, clerks and messengers in his office, twelve thousand three hundred dollars.

For the incidental and contingent expenses of the Navy Department, five thousand dollars.

Post-Office Department.

*Post-Office Department.*—For compensation of the Postmaster General, clerks and messengers in his office, twenty-nine thousand nine hundred dollars.

For incidental and contingent expenses of the Post-Office Department, fifteen thousand dollars.

Department of Justice.

*Department of Justice.*—For compensation of the Attorney General, clerks and messengers in his department, ten thousand two hundred dollars.

For incidental and contingent expenses of said department, three thousand dollars.

Judiciary.

*Judiciary.*—For salaries of judges, attorneys, marshals, and incidental and contingent expenses of courts, fifty thousand dollars.

Mint and Independent Treasury.

*Mint and Independent Treasury.*—For compensation of officers, incidental and contingent expenses, including wages of workmen and pay of laborers, if necessary, for the mints and independent treasury, the sum of eighty thousand dollars.

Foreign Intercourse.

*Foreign Intercourse.*—For salaries of ministers, commissioners, secretaries or other officers employed by the government in relation to intercourse with foreign governments, and for incidental, miscellaneous and contingent necessities and expenses connected with said intercourse with foreign nations, one hundred thousand dollars.

Lighthouses.

*Lighthouses.*—For supplying the lighthouses and beacon lights with oil, wicks, glass, chimneys, and other expenses of the same, repairing and keeping in repair the lighting apparatus, salaries of keepers and assistants within the jurisdiction of the Confederate States, one hundred and fifty thousand dollars.

Expenses of collecting Revenue.

*Expenses of Collecting Revenue.*—For expenses of collecting revenue from customs at the several ports of entry and delivery as now established by law, and which may hereafter be designated under the authority given to the Secretary of the Treasury, in the respective States of the Confederate States of America, five hundred and twenty-five thousand dollars.



For expenses of engraving bonds or certificates of stock, under the acts to raise money for the support of the government, and to provide for the defence of the Confederate States of America, and to issue treasury notes, twenty thousand dollars.

*Executive Mansion.*—For rent of house for President of Confederate States, five thousand dollars.

Executive Mansion.

*Miscellaneous.*—For necessities and exigencies under laws already passed, or which may be passed, or from causes which now exist, or may hereafter arise, and unforeseen emergencies, there is hereby appropriated the sum of two hundred thousand dollars, subject to the requisition and under the control of the President of the Confederate States of America.

Miscellaneous.

APPROVED March 15, 1861.

CHAP. XLIV.—*An Act to authorize the appointment of Commercial Agents or Consuls to foreign ports.*

March 15, 1861.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby authorised, to appoint such commercial agents or consuls, as in his opinion the commercial interests of the Confederacy may require; and all such commercial agents or consuls shall charge the fees usual under the laws of the United States: *Provided, however,* That the amounts of money obtained by said fees shall be reported to the Treasury Department, and the salaries shall not be greater than the laws of the United States allow.

President to appoint commercial agents or consuls.

Their fees.

Proviso.

APPROVED March 15, 1861.

CHAP. XLV.—*An Act to authorize the construction or purchase of ten Gun boats.*

March 15, 1861.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby authorised, to cause to be constructed or purchased ten steam gun-boats, for coast defence, whereof five shall be of a tonnage not exceeding seven hundred and fifty tons, and five of a tonnage not exceeding one thousand tons.

Steam gun-boats to be constructed or purchased for coast defence.

APPROVED March 15, 1861.

CHAP. XLVI.—*An Act to define and fix the pay of the Officers of the Congress of the Provisional Government.*

March 15, 1861.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Congress shall receive an annual compensation of twenty-five hundred dollars, and at that rate during the continuance of the Provisional Government; that the assistant secretary, journal clerk and reading clerk shall each receive an annual compensation of two thousand dollars, as aforesaid; that the door-keeper shall receive an annual compensation of twelve hundred dollars, as aforesaid; that the messenger shall receive an annual compensation of one thousand dollars, as aforesaid.

Compensation of the Secretary of Congress, assistant secretary, journal clerk, reading clerk, door-keeper and messenger.

SEC. 2. That the extra clerk employed by the day to enroll or engross the acts of the Congress, shall receive six dollars per diem, to be paid on the warrant of the President of the Congress.

Of extra clerk employed to enroll or engross the acts.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. XLVII.—*An Act to amend an act entitled "An act to establish a Court of Admiralty and Maritime Jurisdiction at Key West, in the State of Florida."*

The President to appoint an attorney and marshal for the Court of Admiralty at Key West, Florida.

*The Congress of the Confederate States of America do enact, That* so much of an act entitled "An act to establish a Court of Admiralty and Maritime Jurisdiction at Key West, in the State of Florida," as provides for the appointment of a district attorney and marshal of said court by the judge thereof, be and the same is hereby repealed; and it is hereby made the duty of the President of the Confederate States to appoint for said court a fit person, learned in the law, to act as attorney for the Confederate States in all crimes and offences against their laws, and in all other matters touching their interest. The President shall also appoint a marshal for said court; and said attorney and marshal shall receive such pay in every respect, and perform such services respectively as are provided for and required of attorneys and marshals by an act entitled "An act to establish the Judicial Courts of the Confederate States of America."

APPROVED March 15, 1861.

March 15, 1861.

CHAP. XLVIII.—*An Act to appoint a Second Auditor of the Treasury.*

The President to appoint Second Auditor of the Treasury.

*The Congress of the Confederate States of America do enact, That* there shall be appointed by the President, by and with the advice and consent of the Congress, an additional officer for the Treasury Department, to be called the Second Auditor of the Treasury, who shall be charged with the auditing of accounts for the War Department, and who shall receive for his services a salary of three thousand dollars per annum.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. XLIX.—*An Act vesting certain Powers in the Postmaster General.*

The Postmaster General authorized to renew, provisionally, the contracts under which the postal service is now performed, and to continue in office the postmasters and other officers.

*The Congress of the Confederate States of America do enact, That* in the event of a discontinuance of the postal service in any of the Confederate States, as now carried on by the government of the United States, before the Postmaster General of this Confederacy shall have prepared the new service, under the provisions of the act already passed by this Congress, it shall be lawful for the said Postmaster General to renew, provisionally, the contracts under which the service is now performed, and to continue in office the several postmasters and other officers now employed in such postal service, until he is prepared to replace said service and said officers by new contracts and appointments.

And to advertise and enter into contracts for carrying the mail.

SEC. 2. That the Postmaster General, at a time to be fixed by him, is hereby authorized to advertise and enter into contracts for carrying the mail with due celerity, certainty and security, on the post routes within the Confederate States, other than railroads and steamboats, in accordance with the acts passed by this Congress.

Conveyance of mails, except by his authority, prohibited.

SEC. 3. That after such contracts shall have been entered into, on and after a day to be designated by the proclamation of the Postmaster General, all conveyance of mails within the limits of the Confederate States, except by authority of the Postmaster General, is hereby prohibited.

SEC. 4. *Be it further enacted*, That the Postmaster General have power to issue circular instructions to the several postmasters and other officers still performing service under the appointment of the United States, in order to enforce the rendition of the proper accounts and payment of the moneys collected by them per account of the United States, until the Postmaster General shall have issued his proclamation announcing that the former service is discontinued and is replaced by the new service organized under the authority of this government.

To issue circular instructions to postmasters and other officers performing service under the appointment of the U. S.

SEC. 5. That it shall be lawful for the Postmaster General to allow express and other chartered companies to carry letters and all mail matter of every description, whether the same be enclosed in stamped envelopes or pre-paid by stamps or money; but if the same be pre-paid in money, the money shall be paid to some postmaster, who shall stamp the same paid, and shall account to the Post-Office Department for the same, in the same manner as for letters sent by the mail; but if prepaid by stamps, then the express or other company receiving such letters for delivery shall obliterate such stamps, under the penalty of five hundred dollars for each failure, to be recovered by action of debt in any court having jurisdiction thereof, in the name of the Postmaster General, for the use of the Confederate States; but if said letters or mail matter shall be received by such express or other company, not for delivery, but to be mailed, then the matter so carried shall be pre-paid at the same rate that the existing law requires it to be paid from the point where it may be received by such company to the point of its destination, and the postmaster, where such company may mail the same, shall deface the stamps upon the same.

May allow express and other chartered companies to carry letters and other mail matter.

Regulations concerning the prepayment of postage on letters, etc., sent by companies.

SEC. 6. *Be it further enacted*, That each agent of any company who may carry letters under the provisions of this act, shall be required to take an oath that he will faithfully comply with the law of the Confederate States relating to the carrying of letters or other mail matter and obliterating postage stamps, which oath may be administered by any justice of the peace, and shall be in writing, and signed by such agent or messenger, and filed in the Post-Office Department.

Oath required of agent of the company.

APPROVED March 15, 1861.

CHAP. L.—An Act to amend the Laws relative to the Compensation of the Attorneys of the Confederate States.

March 15, 1861.

*The Congress of the Confederate States of America do enact*, That in addition to the compensation now allowed by law to the attorneys of the Confederate States, there shall be hereafter allowed to them for their services to the Confederate States the following fees: For drafting the declaration writ, information or other pleadings necessary to bring the cause to an issue, ten dollars; for arguing questions of law arising on the pleadings or demurrer, ten dollars—but not more than one such fee shall be allowed in any cause; for drawing indictments on criminal informations, five dollars; for collecting and paying over to the Confederate States, moneys, a commission of one per cent. on the amount collected and paid, whether the same have been collected on execution or otherwise; for attendance on a reference from the court to a master or commissioner, five dollars a day; for examining a land title and written opinion thereon, twenty dollars; for making abstract of title when required, twenty dollars; for examining and making report on any question or subject, when thereto required by the Presi-

Fees allowed attorneys of the C. S.



dent or any head of department, thirty dollars; for services in any suit in a State court in which it may be necessary to appear in behalf of the Confederate States, twenty dollars; for services in any case arising under the extradition treaties of the Confederate States, twenty-five dollars.

When act takes effect.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after the passage thereof.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. LI.—*An Act making appropriations for the Custom-Houses at New Orleans, and Charleston, and for other purposes.*

Appropriation.

*The Congress of the Confederate States of America do enact*, That the following sums be and they are hereby appropriated for the objects hereafter expressed, for the year ending February the fourth, eighteen hundred and sixty-two:

For Custom-House, at Charleston.

*Custom-House, Charleston, South Carolina.*—For preserving unfinished work upon the Charleston custom-house, the sum of five thousand dollars.

For Custom-House, at New Orleans.

*Custom-House, New Orleans.*—For roof, and preserving unfinished work upon the custom-house at New Orleans, the sum of ten thousand dollars. For fitting up suitable rooms for the accommodation of the courts, and clerk's office at New Orleans, the sum of fifteen thousand dollars.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. LII.—*An Act to establish the Bureau of Indian Affairs.*

Bureau of Indian Affairs, established.

*The Congress of the Confederate States of America do enact*, That an additional bureau in the War Department be and the same is hereby established, to be known as the Bureau of Indian Affairs, and charged with the management of our relations with the Indian tribes.

Commissioner of Indian Affairs and clerk.

SEC. 2. *Be it further enacted*, That the President, by and with the advice and consent of the Congress, may appoint a Commissioner of Indian Affairs and one clerk, to take charge of the business of the bureau hereby established, the salary of the commissioner to be twenty-five hundred dollars per annum, and the salary of the clerk fifteen hundred dollars per annum.

Their salaries.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. LIII.—*An Act to exempt from Duty certain articles of Merchandise therein named.*

The duty on commodities *bona fide* purchased or contracted for on or before the 15th Feb., 1861, within the late U. S.—remitted.

*The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury is hereby authorized and empowered to remit the duty in all cases where commodities were *bona fide* purchased or contracted for on or before the 18th day of February last, within the late United States, where the importer has not been able to comply with the provisions of the act to define more accurately the exemption of certain goods from duty, which required that the goods, wares and merchandise should have been actually laden on board of the exporting vessel or conveyance destined for any port in this Con-

federacy on or before the fifteenth day of March in the present year: *Provided*, Such testimony is furnished the Secretary of the Treasury by the importer that it was impossible to comply with the provisions of said act, and also the demand and collection of said duty has operated injuriously to him or them beyond the commercial effect upon articles of consumption by the imposition of duties.

Proviso.

SEC. 2. *And be it further enacted*, That all books, pamphlets and tracts and other publications printed and published by any church or benevolent society, whose organization extends to and embraces citizens of the Confederate States, shall be free and exempt from duty. *And be it further enacted*, That all facts herein required to exist in order to entitle a party to the benefits of this act, shall be established to the satisfaction of the Secretary of the Treasury, in a manner to be prescribed by him.

Books, etc., published by any church or benevolent society, exempted from duty. Facts entitling a party to the benefits of this act, to be established.

APPROVED March 15, 1861.

CHAP. LIV.—*An Act to fix the Duties on Articles therein named.*

March 15, 1861.

*The [Congress of the] Confederate States of America do enact*, That an *ad valorem* duty of fifteen per cent. shall be imposed on the following named articles imported from abroad into the Confederate States of America, in lieu of the duties now imposed by law, to wit: Coal, cheese, iron in blooms, pigs, bars, bolts and slabs, and on all iron in a less manufactured state; also on railroad rails, spikes, fishing plates, and chairs used in the construction of railroads; paper of all sorts and all manufactures of; wood, unmanufactured, of all sorts.

*Ad valorem duty imposed on certain articles imported.*

APPROVED March 15, 1861.

CHAP. LV.—*An Act making appropriations for the support of the Navy for the year ending fourth February, eighteen hundred and sixty-two.*

March 15, 1861.

*The Congress of the Confederate States [of America] do enact*, the following sums be and the same are hereby appropriated for the objects hereinafter expressed, for the year ending the fourth day of February, one thousand eight hundred and sixty-two, namely:

*the Navy for the year ending the 4th Feb. 1862.*

1st. For the pay of officers of the navy on duty and off duty, based upon the presumption that all the grades authorized by the act of eighteen hundred and sixty-one will be filled, one hundred and thirty-one thousand seven hundred and fifty dollars.

For officers on duty and off duty.

2d. For the pay of officers, non-commissioned officers, musicians and privates of the marine corps, one hundred and seventy-five thousand five hundred and twelve dollars.

For marine corps.

3d. For provisions and clothing and contingencies in paymaster's department, one hundred and thirty-three thousand eight hundred and sixty dollars.

For provisions and clothing and contingencies in paymaster's department.

4th. For the pay of warrant and petty officers, and of five hundred seamen, ordinary seamen, landsmen and boys, and engineer's department, one hundred and sixty-eight thousand dollars.

For warrant and petty officers, seamen, etc., and engineer's department.

5th. For expenditures which will be required for coal for the use of steamers, two hundred and thirty-five thousand dollars.

For coal for steamers.

6th. For the probable cost of ten steam gunboats for coast defences of the Confederate States, to be built or purchased, as may be most convenient, one million one hundred thousand dollars.

For steam gunboats.

For steam sloop  
Fulton.

7th. For the probable cost of completing and equipping the steam sloop Fulton, now at the Pensacola navy yard, twenty-five thousand dollars.

For pay of officers  
and others at the Na-  
vy Yard, Pensacola.

8th. For the pay of officers and others at the navy yard, Pensacola, fifty-four thousand three hundred and sixty-three dollars.

For clerks at the  
Navy Department.

9th. For compensation of four clerks on duty at the Navy Department, as per act of eleventh of March, at fifteen hundred dollars each, six thousand dollars.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. LVI.—*An Act to authorize the transit of Merchandise through the Confederate States.*

Merchandise im-  
ported may be enter-  
ed and have transit  
through the U. S. free  
of duty.

*The Congress of the Confederate States of America do enact, That* goods, wares and merchandise imported from any foreign country into the Confederate States, destined for any foreign country, may be entered and have transit through the Confederate States free of duty, subject to such regulations as the Secretary of the Treasury from time to time shall make; and the said Secretary of Treasury shall have power to make such regulations as he may deem expedient for the safety of the revenue and for the public convenience, which regulations may be enforced in the manner prescribed by law as to other regulations in relation to the revenue.

APPROVED March 15, 1861.

March 15, 1861.

CHAP. LVII.—*An Act to repeal the Third Section of "An Act to exempt from Duty certain commodities therein named, and for other purposes."*

The 3d section of  
the act of Feb. 18th.  
1861, exempting cer-  
tain commodities  
from duty, repealed.

*The Congress of the Confederate States of America do enact, That* the third section of an act passed February eighteenth, eighteen hundred and sixty-one, entitled "An act to exempt from duty certain commodities therein named and for other purposes," be and the same is hereby repealed, and the tariff laws shall apply to the State of heretofore from the date of her admission into this Confederacy in the same manner as the same apply to the other States.

APPROVED March 15, 1861.

March 16, 1861.

CHAP. LVIII.—*An Act to provide for the Organization of the Navy.*

The President au-  
thorized to appoint  
commissioned officers  
of the Navy,

and to employ mas-  
ters, midshipmen,  
etc.

Annual pay of  
naval officers:  
of Captains;

*The Congress of the Confederate States of America do enact, That* the President be authorized to appoint, in the manner prescribed by law, the following commissioned officers of the navy, viz: four captains, four commanders, thirty lieutenants, five surgeons, five assistant surgeons, six paymasters and two chief engineers, and to employ as many masters, midshipmen, engineers, naval constructors, boatswains, gunners, carpenters, sailmakers and other warrant and petty officers and seamen as he may deem necessary, not to exceed in the aggregate three thousand.

SEC. 2. The annual pay of said officers shall be as follows, viz:  
[Captains].—Captains, when commanding squadrons, five thousand dollars.

All other captains on duty at sea, four thousand two hundred dollars.  
On other duty, three thousand six hundred dollars.



When on leave or waiting orders, three thousand dollars.

*Commanders.*—Every commander on duty at sea, for the first five years after the date of his commission, two thousand eight hundred and twenty-five dollars. of Commanders;

For the second five years after the date of his commission, three thousand one hundred and fifty dollars.

Every commander on other duty, for the first five years after the date of his commission, two thousand six hundred and sixty-two dollars.

For the second five years after the date of his commission, two thousand eight hundred and twenty-five dollars.

All other commanders, two thousand two hundred and fifty dollars.

*Lieutenants* commanding at sea, two thousand five hundred and fifty dollars.

*Lieutenants.*—Every lieutenant on duty at sea, one thousand five hundred dollars. of Lieutenants;

After he shall have seen seven years' sea service in the navy, one thousand seven hundred dollars.

After he shall have seen nine years' sea service, one thousand nine hundred dollars.

After he shall have seen eleven years' sea service, two thousand one hundred dollars.

After he shall have seen thirteen years' sea service, two thousand two hundred and fifty dollars.

Every lieutenant on other duty shall receive one thousand five hundred dollars.

After he shall have seen seven years' sea service in the navy, one thousand six hundred dollars.

After he shall have seen nine years' sea service, one thousand seven hundred dollars.

After he shall have seen eleven years' sea service, one thousand eight hundred dollars.

After he shall have seen thirteen years' sea service, one thousand eight hundred and seventy-five dollars.

Every lieutenant on leave or waiting orders, one thousand two hundred dollars.

After he shall have seen seven years' sea service in the navy, one thousand two hundred and sixty-six dollars.

After he shall have seen nine years' sea service, one thousand three hundred and thirty-three dollars.

After he shall have seen eleven years' sea service, one thousand four hundred dollars.

After he shall have seen thirteen years' sea service, one thousand four hundred and fifty dollars.

*Masters.*—Every master in the line of promotion, when on duty as such at sea, one thousand two hundred dollars. of Masters;

When on other duty, one thousand one hundred dollars.

When on leave or waiting orders, eight hundred and twenty-five dollars.

*Midshipmen.*—Every midshipman at sea, five hundred and fifty dollars. of Midshipmen;

When on other duty, five hundred dollars.

When on leave or waiting orders, four hundred and fifty dollars.

*Surgeons.*—Every surgeon on duty at sea, for the first five years after the date of his commission as surgeon, two thousand two hundred dollars. of Surgeons;

For the second five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand six hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand eight hundred dollars.

For twenty years' service and upwards, after the date of his commission as surgeon, three thousand dollars.

Fleet surgeons, three thousand three hundred dollars.

Every surgeon on other duty, for the first five years after the date of his commission as surgeon, two thousand dollars.

For the second five years after the date of his commission as surgeon, two thousand two hundred dollars.

For the third five years after the date of his commission as surgeon, two thousand four hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand six hundred dollars.

For twenty years' service after the date of his commission as surgeon, two thousand eight hundred dollars.

Every surgeon on leave or waiting orders, for the first five years after the date of his commission as surgeon, one thousand six hundred dollars.

For the second five years after the date of his commission as surgeon, one thousand eight hundred dollars.

For the third five years after the date of his commission as surgeon, one thousand nine hundred dollars.

For the fourth five years after the date of his commission as surgeon, two thousand one hundred dollars.

For twenty years' service and upwards, after the date of his commission as surgeon, two thousand three hundred dollars.

of Assistant Surgeons;

*Assistant Surgeons.*—Every assistant surgeon on duty at sea, one thousand two hundred and fifty dollars.

When on other duty, one thousand and fifty dollars.

When on leave or waiting orders, eight hundred dollars.

of Paymasters;

*Paymasters.*—Every paymaster on duty at sea, for the first five years after the date of his commission, two thousand dollars.

For the second five years after the date of his commission, two thousand four hundred dollars.

For the third five years after the date of his commission, two thousand six hundred dollars.

For the fourth five years after the date of his commission, two thousand nine hundred dollars.

For twenty years and upwards after the date of his commission, three thousand one hundred dollars.

Every paymaster on other duty, for the first five years after the date of his commission, one thousand eight hundred dollars.

For the second five years after the date of his commission, two thousand one hundred dollars.

For the third five years after the date of his commission, two thousand four hundred dollars.

For the fourth five years after the date of his commission, two thousand six hundred dollars.

For twenty years' service and upwards, after the date of his commission, two thousand eight hundred dollars.

Every paymaster on leave or waiting orders, for the first five years after the date of his commission, one thousand four hundred dollars.

For the second five years after the date of his commission, one thousand six hundred dollars.

For the third five years after the date of his commission, one thousand eight hundred dollars.

For the fourth five years after the date of his commission, two thousand dollars.

For twenty years' service and upwards after the date of his commission, two thousand two hundred and fifty dollars.

*Engineers.*—Every chief engineer on duty, for the first five years after the date of his commission, one thousand eight hundred dollars. of Engineers:

For the second five years after the date of his commission, two thousand two hundred dollars.

For the third five years after the date of his commission, two thousand four hundred and fifty dollars.

After fifteen years after the date of his commission, two thousand six hundred dollars.

Every chief engineer on leave or waiting orders, for the first five years after the date of his commission, one thousand two hundred dollars.

For the second five years after the date of his commission, one thousand three hundred dollars.

For the third five years after the date of his commission, one thousand four hundred dollars.

After fifteen years' service after the date of his commission, one thousand five hundred dollars.

Every first assistant engineer, on duty, one thousand two hundred and fifty dollars.

When on leave or waiting orders, nine hundred dollars.

Every second assistant engineer on duty, one thousand dollars.

When on leave or waiting orders, seven hundred and fifty dollars.

Every third assistant engineer on duty, seven hundred and fifty dollars.

When on leave or waiting orders, six hundred dollars. .arrant Officers.

*Warrant Officers.*—Every boatswain, gunner, carpenter and sail maker on duty at sea, for the first three years' sea service after the date of his warrant, one thousand dollars.

For the second three years' sea service after the date of his warrant, one thousand one hundred and fifty dollars.

For the third three years' sea service after the date of his warrant, one thousand two hundred and fifty dollars.

For the fourth three years' sea service after the date of his warrant, one thousand three hundred and fifty dollars.

For twelve years' sea service and upwards, one thousand four hundred and fifty dollars.

When on leave or waiting orders, eight hundred dollars.

For the second three years' sea service after the date of his warrant, nine hundred dollars.

For the third three years' sea service after the date of his warrant, one thousand dollars.

For the fourth three years' sea service after the date of his warrant, one thousand one hundred dollars.

For twelve years' sea service and upwards, one thousand two hundred dollars.

When on leave or waiting orders:

For the first three years' sea service after the date of his warrant, six hundred dollars.

For the second three years' sea service after the date of his warrant, seven hundred dollars.

For the third three years' sea service after the date of his warrant, eight hundred dollars.

For the fourth three years' sea service after the date of his warrant, nine hundred dollars.



For twelve years' sea service and upwards, one thousand dollars.

Commissioned officers may be appointed during recess of Congress.

*And be it further enacted,* That the commissioned officers hereinbefore provided for, and who shall not be nominated before the adjournment of Congress, may be appointed by the President during the recess, to hold their commissions until the next session of Congress.

Length of service of U. S. naval officers received into the service of the U. S., how computed.

SEC. 3. In computing the length of service of such officers as were attached to the navy of the United States, but who have resigned, and have been or may be received into the service of the Confederate States, the period of service in the navy of the United States shall be included; and no service shall be regarded as sea service in the purview of said act but such as shall actually be performed at sea, and in vessels employed by authority of law.

Sea service, defined.

Pay of seamen to be determined by the President.

SEC. 4. The pay of seamen of the navy shall be determined by the President, and may be altered by him from time to time as circumstances may require.

Corps of marines. Their pay and allowances.

SEC. 5. There shall be a corps of marines, to consist of one major, one quartermaster, one paymaster, one adjutant, one sergeant major, one quartermaster sergeant, and six companies, each company to consist of one captain, one first and one second lieutenant, four sergeants, four corporals, one hundred men and two musicians; and the pay and allowances of the officers and enlisted men shall be the same as that of the officers and enlisted men of like grade in the infantry of the army, except that the ration of the enlisted marines shall be the ration allowed by law to seamen.

Men attached to duties. Department.

SEC. 6. The following officers shall be attached to the Navy Department, to wit: An officer, not below the grade of commander, who shall be charged with the purchase or preparation of ordnance, ordnance such ord supplies and equipments, and with hydrography, and with assign to him as the Secretary of the Navy may from time to time signated as the officer not below the grade of lieutenant, to be de of the Secretary of the orders and detail, who shall, under the orders for service, and who shall also prepare and issue all orders and details the Navy, have charge of all matters the direction of the Secretary of martial and courts of enquiry, and with things connected with courts papers thereunto appertaining, and perform sutdy of all records and to the personnel of the navy, as the secretary may: duties relating direct; a surgeon or an assistant surgeon, who shall, under time to time of the Secretary of the Navy, make all purchases of medicine medical supplies for the navy, and perform such other duties appertaiting to the medical department as the secretary may from time to time direct; a paymaster, who shall, under the direction of the Secretary of the Navy, make all contracts for or purchases of provisions, clothing and coal for the use of the navy, and perform such other duties as the secretary may direct. The Secretary of the Navy is authorized to appoint one clerk to aid each of the above officers in the discharge of his duties, whose annual salary shall not exceed fifteen hundred dollars each; but the officers therein detailed for duty shall receive no compensation for their services beyond their regular pay as on other duty.

Secretary of the Navy to appoint one clerk to aid each officer.

His salary.

Quartermaster required to visit the ports of the marine corps.

SEC. 7. It shall be the duty of the quartermaster of the marine corps to visit the different posts where portions of the corps may be stationed, as often as may be necessary for the proper discharge of his duties.

Regulations for the government of persons in the naval service.

SEC. 8. It shall be the duty of the Secretary of the Navy to prepare and publish regulations for the general government of all persons connected with or employed in the naval service, which regulations shall

take effect as soon as they shall be approved by the President and published.

SEC. 9. All laws of the United States heretofore enacted for the government of the officers, seamen and marines of the navy of the United States, that are not inconsistent with the provisions of this act, are hereby adopted and applied to the officers, seamen and marines of the navy of the Confederate States.

Laws of the U. S. not inconsistent with this act, adopted.

SEC. 10. The President may determine the relative and assimilated rank which officers of the navy shall hold toward those of the army.

Relative rank of officers of the navy toward those of the army.

APPROVED March 16, 1861.

CHAP. LIX.—*An Act to*

*Light Money in the Confederate States.*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That* a duty of five cents per ton, to be denominated "Light Money," That be levied and collected on all ships or vessels which, after the first day of May next, may enter the seaports of the Confederate States from any seaport, to be collected in the manner heretofore provided by law as to tonnage duties: *Provided, however,* That on all vessels trading regularly between ports of the Confederate States, the said duties shall not be levied and collected oftener than once in every three months.

Light money on ships or vessels.

Proviso.

APPROVED March 16, 1861.

CHAP. LX.—*An Act authorizing the President alone to make certain Appointments*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That* during the recess of this Congress the President shall have power to make appointments of such inferior officers, as by the Constitution of this Provisional Government the Congress has authority to vest in him alone, anything in any law heretofore passed to the contrary notwithstanding.

Appointment of inferior officers to be made by the President.

APPROVED March 16, 1861.

CHAP. LXI.—*An Act to establish the Judicial Courts of the Confederate States of America.*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That* the Supreme Court of the Confederate States shall hold annually, at the seat of government, one session, commencing the first Monday of January, and continue until the business of said court is disposed of.

Annual session of Supreme Court.

SEC. 2. That each of the Confederate States shall constitute one district, in which there shall be a court called a District Court, to consist of one judge, who shall reside in the state for which he is appointed, and shall receive a salary equal to that paid to a judge of the court of the highest jurisdiction in the state where he resides, payable quarterly.

District Courts organized. Judges thereof, and their salaries.

SEC. 3. *And be it further enacted,* That the Supreme Court may, by any one or more of its judges being present, be adjourned from day to day, until a quorum be convened; and that a district court, in case of the inability of the judge to attend at the commencement of a session, may be adjourned by the marshal of the district from day to day for three successive days, and at the close of the third day the same shall stand adjourned to the next regular term, if the judge do not appear; and in all cases of failure to hold the court, all process,

Adjournment of Supreme Court until a quorum be convened.

And of District Court, in case of inability of Judge to attend.

In case of failure

to hold court, process, etc., to be continued.

Marshal and clerks to be appointed.

Subject to removal.

Oath or affirmation.

Bond and sureties.

Deputy marshals.

Duties of marshals and their deputies.

Posse comitatus.

How process to be directed where marshal or his deputy is a party.

In case of death, etc., of marshal, his deputy to continue in office.

Misfeasance in office of deputy, adjudged a breach of marshal's bond.

Remedy of executor or administrator of deceased marshal, against his deputy for misfeasance in office.

Marshal or his deputy to execute process, etc., till next term of court after his removal or expiration of his term of office.

Liability of marshal for prisoners in his custody.

Writs and process.

Seals of the courts.

pleadings and proceedings, of what nature soever, pending before the said court, shall be continued, of course.

SEC. 4. There shall be a marshal and one or more clerks appointed for each court—the marshal by the President of the Confederate States, and the clerks by the judge of said court—and said clerks shall not be connected with the said judge by blood or marriage, who shall hold their offices during the provisional government, subject to removal by the said judge. They shall each take the oath or affirmation prescribed in the constitution, and for the faithful discharge of the duties of their respective offices. They shall each give bond with sureties, to be approved by the judge, for the faithful discharge of their respective duties, in the penalty and for the amount which may be prescribed by the judge; but that of the marshal may appoint shall be less than twenty thousand dollars, for whose acts he and his as many deputies as may for his own.

sureties shall be the duty of the marshal to attend the court when sitting in his district; and the marshal of the district in which the Supreme Court shall be held, shall attend the sessions of said court. He shall, by himself or his deputy, execute throughout his district all lawful precepts directed to him and issued under the authority of the Confederate States, and he shall have power to command a *posse comitatus* in the execution of his duty.

SEC. 6. *And be it further enacted*, That in all cases in which the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to some disinterested person, to be appointed by the court or judge thereof, and such person is hereby authorised to execute and return the same. And in case of the death, resignation or removal of any marshal, his deputy or deputies shall continue in office, unless otherwise removed, and shall execute the same in the name of the deceased, resigned or removed marshal, until another marshal shall be appointed and qualified; and the defaults or misfeasances in office of such deputy or deputies, in the meantime, as well as before, shall be adjudged a breach of the condition of the bond given as before directed, by the marshal who appointed them, and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies, during such interval, as the marshal would be entitled to if he had continued in life, or in office, and in the exercise of his said office, until his successor was appointed and qualified; and every marshal or deputy, when removed from office, or when the term for which the marshal is appointed shall expire, shall have power, notwithstanding, to execute all such precepts and process as may be in their hand[s] respectively at the time of such removal or expiration of office, until the next term of the court; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal or resignation, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs; or he may deliver his prisoners to the keeper of one of the jails of the state in which he is marshal, in cases where by law of such state it is made the duty of jailors to receive them.

SEC. 7. All writs and process, either mesne or final, which shall issue from the Supreme Court, shall bear test in the name of either of the judges thereof; and all issued from the district court shall bear test of the judge of such court, and shall be under the seal of the



court from whence they issue, and be signed by the clerk thereof. The seals of the Supreme and district courts to be provided by the respective judges of the same.

SEC. 8. The judge of each district shall appoint the times and places of holding the courts in his district, and where, under the laws of the United States, his state was divided into two or more districts, he shall annually hold not less than two terms of his court in each of these districts, as they existed on the first day of November, 1860. But in Louisiana he shall only be required to hold his court out of New Orleans at such time or times as he may consider the public interest requires him to do, and the counties, districts or parishes which constitute the divisions of his district, shall be the same as those which constituted the districts under the laws aforesaid.

Time and place of holding District Courts.

When District Judge of Louisiana required to hold his court out of New Orleans.

SEC. 9. The said judges, before they proceed to execute the duties of their respective offices, shall take the oath or affirmation prescribed in the constitution, and shall also swear or affirm to administer justice, without respect to persons, and to do equal right to the poor and to the rich, and faithfully and impartially to perform and discharge all the duties of his office, agreeably to the constitution and laws of the Confederate States, to the best of his ability.

Oath of Judges.

SEC. 10. The district courts shall have jurisdiction, concurrent with the courts of the several states, of all civil suits at common law or in equity where the matter in dispute, exclusive of costs, exceeds the sum or value of five thousand dollars, and where the character of the parties is such, as by the constitution to authorize said court to entertain jurisdiction. But no person shall be arrested or summoned in any such suit in one division of district for trial in another; and no civil suit shall be brought before any of said courts against an inhabitant of the Confederate States by any original process in any other district than that of which he is an inhabitant, nor shall any district court have cognizance of any suit to recover the contents of any promissory note, or other chose in action, in favor of an assignee or transferee, unless a suit might have been prosecuted in such court to recover such contents if no assignment or transfer had been made, except in cases of foreign bills of exchange.

Jurisdiction of District Courts.

SEC. 11. Upon joint bills, bonds, notes or obligations, suits may be brought against any one or more of the parties, except that separate suits shall not be brought against joint parties thereto residing in the same district; and when several actions shall be brought against persons who might be legally joined in one action, the plaintiff, if judgment be given in his favor, shall not recover the costs of more than one action.

Suits upon joint bills, bonds, notes or obligations.

SEC. 12. Suits in equity shall not be sustained in any of the courts of the Confederate States in any case where plain, adequate remedy may be had at law. And in any state in which there is or may be no separate court of equity, the district court shall administer and decide on matters of equity according to the course of practice in the courts of such state.

Suits in Equity.

SEC. 13. The laws of the several states, except where the constitution, treaties or statutes of the Confederate States shall otherwise require or provide, shall be regarded as rules of decision in the courts of the Confederate States, in cases where they apply. And where the decision of the highest court in a state has become a rule of property, the same shall be adopted as a rule in the courts of the Confederate States, in cases in which the laws of such state apply.

Laws of the several States to be the rule of decision of the courts of the C. S.

Rule of property.

SEC. 14. Except the style, the forms of writs and executions and other process, and the forms and modes of proceeding in the process

Forms of process, and the modes of

proceeding in the progress and trial of suits at law and in equity.

and trial of suits, and in enforcing the judgments in the district courts of the Confederate States in cases at law, shall be the same in each of said states, respectively, as are now in use in the highest court of original general jurisdiction of the same; and in proceeding in equity, according to the principles, laws and rules which govern courts of equity in such state. And whenever any state shall, by law, change such forms or modes of proceeding in its own courts, such change shall be applicable to the forms and modes of proceeding in the said district courts held in such state, unless Congress shall otherwise provide by law. And the said district courts shall likewise have power to grant new trials.

New trials.

Costs and fees of clerks and marshals in the District Courts.

SEC. 15. The costs and fees of clerks and marshals in the said district courts shall be the same in all cases, both civil and criminal, as are allowed by the law of the state in which such court is held, for similar services, to the officers of such state in the highest court of original jurisdiction therein, except that the marshal shall be entitled to mileage at the rate of five cents per mile for the service of process on persons residing out of the county, district or parish in which the court is holden, such mileage to be computed for the distance actually travelled in the service of such process, upon the most direct route, computed from the place of holding such court; and if there be more than one defendant in the same case in one county, but one charge for mileage shall be made.

Mileage.

Writs of injunction, *scire facias* and *habeas corpus*.

SEC. 16. Both the district and supreme courts, and the judges thereof, out of term, shall have power to issue writs of injunction, *scire facias* and *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law: *Provided*, That writs of *habeas corpus* shall, in no case, extend to prisoners, unless when they are in custody under or by virtue of the authority of the Confederate States.

Depositions of witnesses in cases at law.

SEC. 17. The rules for taking the deposition of any witnesses in a case at law, whose attendance cannot be procured, shall be the same as are in force by law in the highest court of original jurisdiction in the state in which such depositions are to be used; and they shall be read in evidence upon the trial of the cause, subject to all legal exceptions to which they would be liable in the said court of the state. No witness, under any circumstances, shall be compelled to attend a court in a civil cause in any other district or division than that in which he resides; and where his attendance cannot be procured, his deposition may be taken. In suits in equity, depositions shall be taken under a commission issued under the seal of the court, in the same manner and under the same rules and regulations in and by which depositions

Attendance of witnesses.

Depositions of witnesses in suits in equity.

Perpetuating testimony.

Proviso as to depositions taken in Louisiana and Texas.

Judges of District Courts may appoint commissioners; their duties.

SEC. 18. The judges of the several district courts may, each for his own district appoint as many commissioners as he may deem necessary, to administer oaths and take acknowledgements of deeds or other

papers, and take depositions, which acts of such commissioner shall have the same force and effect in all the Confederate States and the courts thereof as if done by a judge of such court. And any person swearing falsely in any oath or matter before such commissioner, shall, upon conviction, be liable to the same punishment, as if the oath had been made before such judge. And the same fees shall be allowed such commissioner as are allowed for similar services by the laws of the state in which they are performed. All the powers and authority conferred on commissioners in and by the preceding clause, are hereby vested in, and may be exercised by, any legally appointed notary public in any of the Confederate States.

Swearing falsely before commissioner.

Fees allowed commissioners.

Notary public may exercise authority vested in commissioners.

SEC. 19. In all the courts of the Confederate States the parties shall have the right to be heard either by themselves or counsel.

Parties may be heard in person or by counsel.

SEC. 20. Where judgments are a mortgage or lien upon the property of the defendant in any of the states, they shall have the same effect or lien when rendered in one of the district courts of the Confederate States, as if rendered in a state court, and be subject to the same rules as to enrolment or recording of judgments or abstracts of judgments. And the lien of executions shall be the same as in the courts of the state where such district court sits. "But in all cases of conflict between levies of process from the state and federal courts, the first levy shall have priority."

Lien of judgments and executions.

Conflict between levies of process from the state and Federal courts; the first levy to have priority.

SEC. 21. The mode of proof by oral testimony and examination of witnesses in open court in trials at law shall be the same in the said district courts as in the court of the highest original jurisdiction in the State in which such trial takes place; and the compensation of witnesses shall likewise be the same. The rules to determine the competency of witnesses shall also be the same.

Mode of proof by oral testimony and examination of witnesses.

Compensation of witnesses.

Competency of witnesses, how determined.

Revival of suits.

SEC. 22. In any suit depending in any of the courts of the Confederate States, if either of the parties should die and the cause of action should survive, such suit may be revived in the same manner as in similar cases in the courts of highest original jurisdiction in the State in which the cause is pending; and when there are two or more plaintiffs and defendants, and one or more of them should die, the suits shall not be thereby abated, but such death being suggested on the record, the suit may then proceed in the name of the survivor or survivors; or where the law of any State permits the representative of the deceased to be joined in such suit, the same may be done in the district court; or if the cause should be pending in the Supreme Court, then it may be revived by *scire facias* against the executor or administrator, issued from the office of the clerk of such court, returnable to the next term thereof, and duly served by the marshal twenty days before the sitting of such court.

Suggestion of death on the record.

When representative of deceased may be made a party.

Revival by *scire facias*.

SEC. 23. The said district court shall have power in the trial of actions at law, on motion and due notice thereof, to require the parties to produce books or writings in their possession or power which contain evidence pertinent to the issue; and if the plaintiff shall fail to comply with such order, judgment of non-suit may be given against him; and if the defendant shall so fail, then judgment by default may be rendered against him.

When district court may require production of books or writings as evidence.

Judgment in case of failure to comply with the requisition.

SEC. 24. The courts of the Confederate States shall have power to inflict punishment for contempts of court; but such power shall not be construed to extend to any cases except misbehavior in the presence of the court, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said court in their official transactions, and the disobedience, resistance or obstruction, by any person whatsoever, of the process, order, rule, decree or command

Contempts of court, how punished



of said courts; but such punishment shall not exceed the imposition of a fine of one hundred dollars and imprisonment during the term of the court.

Jurors; their qualifications and exemptions.

SEC. 25. Jurors, in all cases, to serve in the courts of the Confederate States, shall have the like qualifications, and be entitled to the like exemptions, as jurors in the highest court of original jurisdiction of the state in which the district court is held, and shall be selected by lot or otherwise, according to the form and mode of forming such juries in the courts of the state, in so far as such mode may be practicable, and for this purpose, the district courts shall have power to make all rules and regulations necessary to conform to the selection and empanelling of juries to the laws of the state, so as to secure an impartial trial, without needless expense, and without undue burden to the citizens of any part of the district. And when, from any cause, there shall not be a jury to determine any criminal or civil case, the court may direct a jury to be summoned of the bystanders to complete the panel. And it shall be the duty of the judge, thirty days before the holding of the first court in his district, under this law, to direct the marshal in what manner, and to what extent, to summons jurors for such court. The compensation to jurors, in both civil and criminal cases, shall be the same as is allowed to jurors in courts of the highest original jurisdiction in the state in which such court is held; and if in such state court there be no allowance for mileage, the jurors shall be allowed five cents per mile for travelling from their respective places of abode to the places where the court is holden, and the same for returning.

When jury may be summoned of the bystanders.

Judge to direct the marshal as to the summoning of jurors.

Compensation and mileage of jurors.

Amount recoverable in suits on bonds, etc., for penalties or for breach of covenant.

When sum for which judgment is rendered is uncertain, the same shall be assessed by a jury.

Rate of interest allowed on judgments.

Mistakes, etc., in the process and pleadings, or in the judgment, may be amended.

SEC. 26. In all suits on bonds, agreements, or specialties for penalties or breach of covenant, the amount recovered by the default or confession of the defendant, or upon demurrer, shall be the sum actually due; and when the sum, for which judgment is rendered, is uncertain, the same shall be assessed by a jury. On all judgments in civil cases for the payment of money, interest shall be allowed at such rate as is allowed upon judgments rendered in the highest court of original jurisdiction in the state in which such district court sits.

SEC. 27. Every mistake, omission, defect or imperfection in the process, declaration, pleading, or any of the proceedings in any cause, or in the judgment, shall be amended from time to time, at the instance of either party, according to the several statutes of amendments or jeofails in the state in which the court sits, so as to secure a trial upon the merits, and that justice may be done, subject to any rule for the costs of amendment which the judge may impose.

Where there are two or more divisions of the district court in a state, executions may be executed in any part of the state.

SEC. 28. Where, in any state, there are two or more divisions of the district court, all writs of execution upon any judgment rendered in the court of either division may run and be executed in any part of such state, but shall be issued and made returnable to the court in which the judgment was rendered.

When writ of error to operate as a supersedeas and stay of execution.

SEC. 29. A writ of error, when authorised by law to operate as a supersedeas and stay of execution, shall only have that effect when a copy thereof and citation have been served on the adverse party or his counsel of record; but no execution shall issue in less than ten days from the rendition of the judgment or decree, unless upon affidavit made, showing a necessity therefor.

When execution may be issued on judgment.

Remedy against marshal or clerk for failure to pay over money in his hands.

SEC. 30. Should the marshal or clerk fail to pay over to the party entitled thereto, or to his attorney of record, upon demand made, any money which may have come to his hands by virtue of any order or process of the court, such money, with legal interest and ten per cent. damages may be recovered from him and his sureties in his official bond,

upon motion and three days' notice in the court of which he is marshal or clerk.

SEC. 31. There shall be appointed in each of the districts, by the President, a meet person, learned in the law, to act as attorney for the Confederate States in such district, who shall be sworn or affirmed to the faithful performance of his duty in office, and to support the Constitution; and it shall be his duty to prosecute, in such district, all delinquents for crimes and offences cognizable in such court under the laws of the Confederate States, and to prosecute or defend all civil actions in which the Confederate States shall be concerned, except before the Supreme Court, in the district in which that court shall be holden. And he shall receive as compensation for his services a salary of two hundred dollars per annum, payable quarterly, and ten dollars per diem for every day that he is engaged in attending said court, together with such fees as shall hereafter be prescribed by law. And where there are three divisions in the district for which he is appointed, he shall be allowed mileage, at the rate of ten cents per mile, for going to and returning from the court which is most distant from his place of residence, to be computed on the most usual line of travel; and in case of the absence of such attorney from any term of the court, the presiding judge may appoint a fit person to act for him for the term.

President to appoint district attorneys.

Their oaths and duties.

Compensation.

Mileage.

When district attorney is absent, the judge may appoint a fit person to act for him for the term.

SEC. 32. Whenever a marshal shall sell any lands or tenements by virtue of any process in his hands, and shall die, or in any manner go out of office before making a deed to the same, the court to which the process is returnable may, upon written application and notice thereof to the plaintiff and defendant, or their counsel, and upon a statement and proof of the facts, direct his successor to make the necessary deed therefor upon the payment of any purchase money or costs remaining unpaid.

When the marshal sells real estate and dies before making a deed, the court may direct his successor to make the same.

SEC. 33. In any civil case in any of the courts of the Confederate States, the plaintiff may, upon motion, be required to give security for the costs, upon such terms as the court by its rules may prescribe; and if he should fail to comply within the time allowed, the suit shall be dismissed at the next term, unless good cause be shown against it. And the said district courts shall have power, from time to time, to make all needful rules for the conduct and dispatch of business therein, not inconsistent with the Constitution and laws of the Confederate States, or with the provisions of this act.

Security for costs.

Rules for the conduct and dispatch of business.

SEC. 34. The laws of the several States abolishing imprisonment for debt, and providing relief for debtors held in custody, shall take effect in favor of all persons held in custody for debt under the process of the federal courts of the Confederacy.

State laws abolishing imprisonment for debt, and providing relief for debtors in custody.

SEC. 35. *And be it further enacted,* That the said district courts shall have exclusive cognizance of all crimes and offences cognizable under the authority of the Confederate States, except where the laws of said Confederate States shall otherwise provide.

Exclusive cognizance of crimes and offences vested in the district courts.

SEC. 36. The said courts, in term, shall have power to direct a grand jury to be summoned and impaneled, whenever in its judgment it may be proper to do so, and at such time as it may direct. After such jury is impaneled the proceedings shall conform, as nearly as may be, to the law and practice of the court of the highest original criminal jurisdiction in the State where such district court is held. But no grand jury shall be summoned unless upon the order of the judge or court, and if made by the judge out of term, shall be in writing, under his hand and seal.

Summoning and impaneling of grand juries.

What law to govern their proceedings.

SEC. 37. Until otherwise provided by law of Congress, the laws of the United States in regard to crimes and offences, and to the mode of

Laws of the U. S. in regard to crimes and offences and the



practice in criminal cases, declared to be in force, and to form the rule of practice and decision in the district courts of the C. S.

What to be the rule when there is no such law.

Rules of evidence and mode of examining witnesses.

Writs of error or appeals to the Supreme Court in criminal cases.

Writ of error to operate as a stay to the execution of the sentence or judgment.

When the Supreme Court to give judgment or pronounce sentence, and appoint the time and place for its execution.

In what civil causes the District Courts to have original cognizance.

Having to suitors of common law remedy.

District Courts, as Courts of Admiralty, always open for the purpose of filing libels, etc.

Laws of the U. S. and rules of Court in Admiralty cases to have full force in the courts of the C. S.

Writ of error to the Supreme Court in civil cases.

Limitation.

Bond and security to prosecute writ with effect.

When writ of error to operate as a supersedeas.

procedure, practice and trial in all criminal cases, shall be in force and form the rule of practice and decision in the district courts of the Confederate States, and where there is no such law governing the practice, then the rule and course shall conform as nearly as practicable to the practice established by law of the State court of highest original jurisdiction in which the said district court sits. And this provision shall extend to the rules of evidence and mode of examining witnesses in such cases.

SEC. 38. Writs of error or appeals to the Supreme Court of the Confederate States shall be allowed the accused in all cases in which the punishment or penalty, upon conviction, is death or imprisonment in the penitentiary, in the same manner and upon the same terms as are allowed in the courts of highest original criminal jurisdiction in the State in which such district court is holden; and the remedy upon any bond given in such case, shall be the same as in the courts of the State from which such appeal or writ of error is taken. Such writ of error shall operate as a stay to the execution of the sentence or judgment, upon the execution of such bond as may be required by the State law in similar cases; and if such sentence or judgment shall be affirmed, and the time for executing the same shall have passed, the Supreme Court shall give such judgment or pronounce such sentence as the law prescribes, and appoint the time and place for carrying the same into effect by the marshal of the court from which said writ of error emanated.

SEC. 39. The said district courts shall have original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under the revenue laws or laws of navigation and trade of the Confederate States, when the seizures or cause of complaint arises on waters which are navigable from the sea by vessels of one hundred or more tons burden, within their respective districts as well as upon the high seas; saving to suitors in all cases the right of a common law remedy, where the remedy at common law is ample and complete. And said district courts, as courts of admiralty, shall be deemed always open for the purpose of filing libels, petitions, answers and other pleadings, for issuing and returning mesne and final process and commissions, and for making all interlocutory orders or rules which may be necessary. And the laws of the United States and the rules of court in reference to admiralty proceedings in force in the admiralty courts of the United States of America, on the twentieth day of December, one thousand eight hundred and sixty, so far as the same may be applicable, and are not inconsistent with the constitution and laws of the Confederate States, are hereby continued in full force and effect in the courts of the Confederate States, until altered or repealed by law.

SEC. 40. Final judgments and decrees in civil actions, and final decrees in equity in a district court, where the matter in dispute exceeds in value the sum of five thousand dollars, exclusive of costs, may be re-examined and reversed or affirmed upon a writ of error in the Supreme Court, the citation in such case being signed by a judge of the district court or of the Supreme Court, and the adverse party having at least thirty days' notice. Writs of error shall not be brought but within two years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of [error] be an infant, femme covert, non compos mentis or imprisoned, then within two years, as aforesaid, exclusive of the time of such disability. And every judge signing a citation or any writ of error, as aforesaid, shall take bond, and good and sufficient sureties, that the plaintiff shall prosecute his writ with effect, and answer all costs if he fail to make good his plea; and no writ of error shall operate as a supersedeas and stay of execution, unless such



bond be with sureties and of sufficient amount to secure the whole judgment, if it be affirmed, in addition to the costs. And the said court or the judges thereof, shall have power to appoint a clerk, who shall take the oath prescribed for the clerks of the district courts, and give bonds for the faithful discharge of his duty, in such amount as said court may direct, whose fees shall be the same as those now allowed to the clerks of the Supreme Court of the United States.

SEC. 41. Where, upon such writ of error, the Supreme Court shall affirm a judgment or decree, they may adjudge or decree to the defendant in error just damages for his delay, not exceeding ten per cent. per annum—but such damages shall only be given when it is manifest to the court that the appeal or writ of error was taken for delay—and all costs. The Supreme Court shall not issue executions in causes that are removed before them by writs of error, but shall send a special mandate to the district court to award execution thereupon, including lawful costs accruing upon such appeal.

SEC. 42. From all final judgments or decrees which may be rendered in any district court in any cases of equity or admiralty and maritime jurisdiction, and of prize or no prize, an appeal, where the matter in dispute, exclusive of costs, exceeds the sum or value of five thousand dollars in equity, or of five hundred dollars in courts of admiralty and maritime jurisdiction, shall be allowed to the Supreme Court, and upon such appeal, a transcript of the libel, bill, answer, depositions and all other proceedings of what kind soever in the cause, shall be transmitted to the said Supreme Court; and no new evidence shall be received in the said court on the hearing of such appeal; and such appeals shall be subject to the same rules, regulations, and restrictions as are prescribed in law in case of writs of error; and the said Supreme Court shall be and hereby is authorized and required to receive, hear and determine such appeals: *Provided always*, That appeals or writs of error in any case to the Supreme Court of this Confederacy, from existing judgments or decrees, may be taken under the same rules and regulations required by the laws of the United States for appeals or writs of error to the Supreme Court of the United States, existing at the time the said judgment or decrees were rendered.

SEC. 43. The Supreme Court shall have power from time to time to make all such rules and regulations as it may deem needful for the orderly and correct dispatch of cases not inconsistent with the rules of law, and this power shall extend both to original and appellate causes therein. In all cases in the Supreme Court where there is an equal division of opinion among the judges thereof, and the court is not full, there shall be awarded a re-argument before a full court. If there be such division when the court is full, then the judgment of the court below shall be affirmed.

SEC. 44. The Supreme Court shall have original jurisdiction of all controversies of a civil nature where a state is a party, except between a state and its citizens, or citizens of any other state or nation. It shall also have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their servants, as a court of law can have or exercise consistently with the law of nations; and original but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice-consul shall be a party. And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the Confederate States, shall be by jury, and it shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, in cases warranted by the principles

Appointment of Clerk of the Supreme Court.

Oath and bond.

His fees.

Damages allowed on affirmance of judgment or decree.

Execution in causes removed to the Supreme Court by writ of error, to issue from the District Court.

In what cases appeals allowed to the Supreme Court.

Transcript of proceedings.

No new evidence to be received.

Appeals subject to the rules prescribed in case of writs of error.

Proviso as to appeals or writs of error from existing judgments or decrees.

Supreme Court to make rules for the dispatch of cases.

Proceedings in cases in which the judges are equally divided in opinion.

Original jurisdiction of the Supreme Court.

Exclusive jurisdiction.

Trial by jury.

Writs of prohibition and mandamus.

ples and usages of law, to any courts appointed under the authority of the Confederate States.

In what cases writs of error allowed from the final judgments or decrees of the highest courts of the States to the Supreme Court of the C. S. ;

and under what regulations and with what effect.

Assignment of errors.

Effect of judgments etc., of any State court rendered since the secession of such State.

Appeal or writ of error therefrom.

Transfer of records, etc., in suits pending in the Circuit or District Courts of the U. S. within any of the States of the Confederacy, to the District Court of the C. S. in the same district.

Also of papers of every kind pertaining to judicial proceedings in any of said courts and to suits decided therein, or to any land office.

Copies of said records and papers admissible in evidence.

SEC. 45. *Be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a state in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the Confederate States ; or where is drawn in question the validity of a statute of, or an authority exercised under any state, on the ground of their being repugnant to the constitution, treaties or laws of the Confederate States ; or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute or commission held under the Confederate States ; in each of these cases the decision may be re-examined, and reversed or affirmed in the Supreme Court of the Confederate States, upon a writ of error, the citation being signed by any judge of the said Supreme Court, in the same manner and under the same regulations, and with the like effect as if the judgment or decree complained of had been rendered or passed in a district court of the Confederate States ; and the proceedings upon reversal shall be the same, except that the Supreme Court, instead of remanding the case for a final decision, may at their discretion, if the cause shall have once been remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears in the face of the record, and immediately respects the beforementioned question of validity or construction of the said constitution, treaties, statutes, commissions or authorities in dispute.

SEC. 46. All judgments, orders and decrees made by any state court since the date of the secession of such state, upon any subject or matter which before such secession was within the jurisdiction of the courts of the United States, shall have the force and effect of judgments, orders and decrees of the courts herein established, with the privilege of either party to appeal or sue out a writ of error.

SEC. 47. *And be it further enacted*, That all the records, papers, dockets, depositions and judicial proceedings of every kind appertaining to any suit now pending in the circuit or district courts of the United States, within any of the states of this Confederacy, shall be transferred to the district court of the Confederate States of America in the same state and district in which the same was pending ; and the late clerk of said *of said* circuit court or district courts, or other person in whose custody said records, papers, dockets, depositions and judicial proceedings may be, shall deliver the same to the clerk of the district court to which they may be transferred under the provisions of this act, and the same shall stand in the same plight and condition in which they were in said circuit and district courts respectively, and all previous orders therein made shall have the same effect. And the court to which said causes are hereby transferred shall proceed to hear and determine the same according to law, and all dockets, books, records, documents and papers of every kind pertaining to judicial proceedings in any of said courts, and to suits heretofore decided therein, and all patents, deeds, records, books and papers pertaining to any land office which may by law have been deposited with the clerk of any of said courts or transferred to his office for safe keeping, shall be delivered to the clerk of the district court for the district in which such court is situated, and the same shall be safely kept and preserved by said clerk until otherwise provided by law. And copies of any such records or other papers made out by said clerk of the district court and authenticated according to law, shall have the force and effect given to copies of other instruments of like character in such



state, and be admissible in evidence in all cases in which copies are admitted as evidence in the courts of the Confederate States: *Provided*, That all suits which shall have been pending in any of said courts for the space of five years without prosecution shall be considered as abandoned, unless prosecuted within six months from the time of such transfer. And the judgments in all civil cases heretofore rendered in said circuit and district courts of the United States remaining unsatisfied, shall have the same force and effect which they had before the secession of the State in which said court is situated, and the same proceedings may be had thereon in the district court of the Confederate States, by execution or otherwise, which might have been taken in the court in which they were rendered at the time of their rendition. And where, under any such judgment of the circuit courts of the United States, any execution may have been in part executed by levy on property or otherwise, it shall be the duty of the marshal or officer in whose hands such execution and property may be, to turn over the same to the marshal of the Confederate States for the district in which such judgment was rendered, and to take his receipt therefor; and thereupon the said marshal shall proceed to dispose of the same according to the laws in force at the time such judgment was rendered, and pay over the proceeds to the party entitled. And new process shall be issued in such district courts when requisite; but all suits pending in said courts in which the United States are plaintiffs shall remain suspended, and no further proceedings shall be had therein until the independence of this Confederacy shall be recognized by the United States; and execution of all judgments rendered in favor of said United States is hereby suspended, and all seizures on executions heretofore made in behalf of the said United States are hereby declared to be inoperative and void, and shall not be renewed until recognition be made of the independence of this Confederacy as aforesaid. But this section shall be subject to such disposition of the causes therein provided for as has been made by the several States before the adoption of the Provisional Constitution, unless said States shall conform their legislation to the provisions in this act contained.

SEC. 48. Where cases are now pending in the Supreme Court of the United States upon appeal or writ of error, from any court of the States now forming the Confederate States, it shall be lawful for the appellant or plaintiff in error, at any time within twelve months from the date, to dismiss such appeal or writ of error, and file a transcript of the record and a copy of the bond for the appeal or writ of error in the Supreme Court of the Confederate States, and thereupon the same shall be considered in all respects as if it had been originally filed in the said Supreme Court of the Confederate States, and shall be heard and determined in said court according to the laws in force at the time said cause was determined in the court below, and the rights of the respective parties shall be the same as when said cause was taken up to the Supreme Court of the United States. And if such cause shall not be transferred in twelve months as aforesaid, then the judgment of the court from which the appeal or writ of error was taken shall be deemed final and in all things affirmed. And in case of such transfer, the bond given for the appeal or writ of error shall be and remain in full force in the court of the Confederate States; and in cases where the transcripts of the records have already been printed in the Supreme Court of the United States under the rules thereof, such printed copy, duly certified by the clerk of that court, may be filed in the Supreme Court of these Confederate States, and it shall not be necessary to have a new transcript made by the clerk of the court from which the appeal or writ of error was prosecuted.

Proviso as to suits pending for five years without prosecution.

Effect of unsatisfied judgments of the Circuit and District Courts of the U. S.

What proceedings may be had thereon in the District Court of the C. S. by execution or otherwise.

Suits in which U. S. are plaintiffs to remain suspended.

Executions of all judgments rendered in favor of the U. S. likewise suspended.

Seizures on executions made in behalf of the U. S., declared void.

Proviso.

Transfer of causes pending in the Supreme Court of the U. S., upon appeal or writ of error, to the Supreme Court of the C. S.

If not transferred within twelve months the judgment of the Court below affirmed.

Bond given for appeal, etc., to remain in force.

Transcripts of records printed in the Supreme Court of the U. S., may be filed.



District Courts of the C. S. and their officers to carry into effect certain unexecuted judgments, etc., of the Supreme Court of the U. S. remaining in force.

Proviso.

Notice to party or his counsel of causes transferred under this law.

Effect of judgments of U. S. courts in criminal cases.

District Courts of the C. S. empowered to execute them.

Persons under arrest on process issued from the United States Courts.

Bail bond to bind party to appear in Court.

Indictments found in any of the U. S. courts, to be heard, etc., in the District Courts of the C. S.

Warrants or other process from said courts.

Penitentiary and jails.

Special jurisdiction of District Court held at the seat of government, of crimes and offences committed by public officers, and of suits on their official bonds.

Writs of error or appeal to the Supreme Court from judgments rendered

SEC. 49. And where there shall heretofore have been any judgment or decree in the Supreme Court of the United States in a case from any of the district or circuit courts of the United States for any one of the States now forming a part of the Confederate States, and which remains in force and unexecuted, it shall be and it is hereby made the duty of the district court of such Confederate State and its officers, to carry into effect and to execute such judgment or decree according to the mandate of the Supreme Court of the United States, as if there had been no dissolution of the Union: *Provided*, That such judgment or decree was rendered before the secession of the State from which such cause went to the Supreme Court. When any cause is transferred under the provisions of this law, notice of such transfer shall be given to the adverse party or his counsel thirty days before the term of the court at which such case is to be tried.

SEC. 50. In all cases where persons are under judgment or sentence, or are imprisoned upon conviction of any crime or offence before any court of the United States, in any of the States now forming a part of the Confederate States of America, such judgment or sentence shall continue in full force and effect until the same has been executed and carried out, and the said district courts of the Confederate States are hereby clothed with all necessary powers to have such judgment or sentence executed. And no person now under arrest or in custody upon any criminal charge or offence, on process issued from the courts of the United States, shall be released by reason of the dissolution of the Union, but he shall continue under arrest or in custody until discharged by due course of law. And any bail bond given by any party to answer any charge under process from any of said courts, shall be obligatory upon such party and his sureties, and bind him to appear at the first term of the district court of the Confederate States to be held for the district in which he was arrested. And all indictments heretofore found in any of the said courts and not yet disposed of shall continue in full force and virtue until heard and determined in the district court of the Confederate States for the district in which the same was found. And all warrants or other process issuing on any criminal charge from any of said courts shall continue in force and be made returnable to the court of the district in the Confederate States in which the offence therein charged is alleged to have been committed. And to these ends full authority is hereby granted to said district courts.

SEC. 51. Where, by the laws of any State, its penitentiary or jails may be used by the courts or marshals of the Confederate States, the same shall be so used whenever necessary; but if in any State there be no law authorizing their use, then it shall be the duty of the marshal to provide a suitable place or places for the custody and confinement of all prisoners or convicts who may be committed to his custody by competent legal authority.

SEC. 52. Where any forfeiture or penalty is by law prescribed against misfeasance or malfeasance in office by any of the officers of the Confederate States residing at the seat of government, or where crimes or offences are committed by any of said officers in their respective offices, which are or may be punishable by indictment, or where suits may become necessary upon the official bonds of any such officers, made payable to the Confederate States of America, the jurisdiction in all such cases shall pertain to and be exercised by the district court of the Confederate States which shall be held at the seat of government.

SEC. 53. From all judgments or decrees which shall be rendered in causes pending in the courts of the United States at the time of the secession of the States in which the same were, and which causes shall

be transferred to and decided by the courts of this Confederacy, writs in causes pending in the courts of the U. S. at the time of the secession of the States.  
of error or appeal may lie to the Supreme Court of this Confederacy.  
when the sum or matter in controversy exceeds the sum of two thousand dollars.

SEC. 54. This act shall be in force and have effect from and after the passage thereof, and all laws and parts of laws coming within the purview of this act, shall be and the same are hereby repealed.

When act takes effect.  
Laws repealed.

APPROVED March 16, 1861.

CHAP. LXII.—*An Act supplementary to an act entitled an act to organize the Navy.*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That in case officers who were formerly attached to the navy of the United States, but had resigned in consequence of the secession of any one or of all of the Confederate States, should receive appointments in the navy of the Confederate States, the President is authorized to affix to their commissions such dates as may be necessary to secure to them the same relative position that they held in the former service.*

Relative position of officers of the Navy of the U. S. who have resigned and received appointments in the Navy of the C. S.

APPROVED March 16, 1861.

CHAP. LXIII.—*An Act supplemental to an act to define and fix the pay of the officers of the Congress.*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That the amount of salary established by the said act for each officer during the continuance of the Provisional Government shall be deemed a salary for a year; and that each officer may receive a rateable proportion thereof at any time during the year, upon the warrant of the President of the Congress.*

Pay of the officers of Congress under the Provisional Government, defined and fixed.

APPROVED March 16, 1861.

CHAP. LXIV.—*An Act to appropriate money for certain civil purposes.*

March 16, 1861.

*The Congress of the Confederate States of America do enact, That the following sum be, and the same is hereby appropriated for the object hereafter expressed, for the year ending the fourth of February, eighteen hundred and sixty-two: For salary of Auditor of the Treasury, for auditing accounts of the war office in the expenditure for the army, the sum of three thousand dollars.*

Appropriation for salary of Auditor of the Treasury.

APPROVED March 16, 1861.

March 16, 1861. CHAP. LXV.—*An Act making additional appropriations for the support of the Army, for the year ending the first of March, eighteen hundred and sixty-two.*

Appropriation for the purchase of ordnance and ordnance stores.

*The Congress of the Confederate States of America do enact, That the following sum be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, namely: For the purchase of ordnance and ordnance stores, one hundred and ten thousand dollars.*

APPROVED March 16, 1861.

March 16, 1861. CHAP. LXVI.—*An Act making appropriations for the service of the Postoffice Department, for the fiscal year ending the first of March, eighteen hundred and sixty-two.*

Appropriations for Postoffice Department.

*The Congress of the Confederate States of America do enact, That the following sums be appropriated for the Post Office Department for the year ending the first of March, one thousand eight hundred and sixty-two, out of any moneys in the Treasury, arising from the revenues of the service of said department, namely: For transportation of the mails inland, one million one hundred and two thousand, two hundred and eighteen dollars and forty-nine cents; for compensation of Postmasters, three hundred thousand dollars; for clerk of Post Offices, one hundred thousand dollars; for ship, steam-boat and way-letters, five thousand dollars; for office furniture for Post Offices, two thousand dollars; for advertising, fifteen thousand dollars; for mail bags, ten thousand dollars; for paper blanks, ten thousand dollars; for printing blanks, three thousand dollars; for wrapping paper, eight thousand dollars; for mail locks, keys and stamps, ten thousand dollars; for mail depredations and special agents, twenty thousand dollars; for miscellaneous payments, forty thousand dollars; for postage stamps and stamped envelopes, twenty-five thousand dollars; for payment on account of foreign mail service, seventy-five thousand dollars; for payment of letter carriers, two thousand dollars.*

To supply deficiencies in the revenue of the said department.

SEC. 2. That the sum of three hundred and twenty thousand and sixty dollars thirty-six cents be, and the same is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post Office Department for the year ending the first of March, one thousand eight hundred and sixty-two.

APPROVED March 16, 1861.

March 16, 1861. CHAP. LXVII.—*An Act to authorize the Secretary of the Treasury to appoint Special Agents in certain cases.*

Special agents to organize custom-houses on the frontiers, and to examine books, accounts, etc.

*The Congress of the Confederate States [of America do] enact, That the Secretary of the Treasury shall be, and he is hereby authorized to appoint special agents for the purpose of organizing the custom-houses at ports of entry and delivery on the frontiers between the Confederate States and other Governments, and to cause examinations to be made of the books, accounts, money on hand and general management of all the offices of the several collectors of the customs, sub-treasurers, public depositories, mints, and all other officers and agents who may be under the control of the Treasury Department, as occasion may require, with such compensation, not exceeding six dollars per day and traveling expenses, as he may think reasonable, to be fixed at the time of each appointment.*

Compensation.



The agent selected to make these examinations shall be instructed, in all offices having charge of public funds, to examine as well the books, accounts and returns of the officer, as the money on hand and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

SEC. 2. *Be it further enacted*, That this act shall expire in two years from the date of its passage. When this act to expire.

APPROVED March 16, 1861.

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CHAP. LXVIII.—*An Act Making appropriation for the service of the Bureau of Indian Affairs.* March 16, 1861.

*The Congress of the Confederate States of America do enact*, That the following sum be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the service of the Bureau of Indian Affairs, for the year ending first of March, eighteen hundred and sixty-two, namely: For the salary of the commissioner and chief clerk of the Bureau of Indian Affairs and incidental expenses of the bureau, five thousand dollars. Appropriation for the service of the Bureau of Indian Affairs.

APPROVED March 16, 1861.

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CHAP. LXIX.—*An Act to amend an act entitled an act authorizing the President alone to make certain appointments.* March 16, 1861.

*The Congress of the Confederate States of America do enact*, That the act described in the caption hereof shall be held and construed, to authorize the President to appoint, during the recess of Congress, all officers, civil, military and naval, established by law: *Provided*, such appointments shall be submitted to the Congress when it re-assembles, for its advice and consent. Appointment of officers by the President during the recess of Congress.

APPROVED March 16, 1861.

## RESOLUTIONS.

February 5, 1861. [No. 1.] *A Resolution to appoint Messrs. Reid & Shorter Printers to the Congress.*

Public printers appointed. *Resolved*, That Messrs. Reid & Shorter be appointed printers to this Congress while it holds its sessions in Montgomery; and that all the work to be done shall, in style and quality, equal that done for the State of Alabama, and shall be paid for at the same proportionate rates of compensation.

ADOPTED February 5, 1861.

February 8, 1861. [No. 2.] *A Resolution accepting the appropriation of five hundred thousand dollars, made by the General Assembly of the State of Alabama.*

Appropriation by State of Alabama. 1st. *Resolved by the Confederate States of America in Congress assembled*, That this Congress accept the liberal offer of the General Assembly of the State of Alabama, to place at the disposal of this body the sum of five hundred thousand dollars, as a loan to the government of the Confederacy now being formed.

2d. *Resolved by the authority aforesaid*, That this Congress place the highest appreciation upon this generous, patriotic and considerate action of the State of Alabama, and realize in it the zealous devotion of the people of that state to the cause of "Southern Independence."

ADOPTED February 8, 1861.

February 8, 1861. [No. 3.] *A Resolution for the preservation of the Records of Congress.*

Preamble. Whereas, it is necessary that the records of this Congress be placed in a condition of safety, and those pertaining to proceedings with closed doors, in a condition of secrecy: Therefore—

Preservation of records of Congress. *Resolved by the Confederate States of America in Congress assembled*, That the President of Congress be and he is hereby authorized and instructed to make proper provision for the purpose herein declared.

ADOPTED February 8, 1861.

February 8, 1861. [No. 4.] *A Resolution in regard to the State of North Carolina, and the Commissioners from said State to this Congress.*

Preamble. Whereas, the people of North Carolina and those of the States represented in this Congress have a common history, a common sympathy, a common honor, and a common danger; and, whereas, it is the opinion and earnest desire of this Congress that the State of North Carolina should be united in government with these states;—

*Be it therefore resolved*, That this Congress received with pleasure the Commissioners from the State of North Carolina, and hope to pursue such a course of action as shall commend itself to, and induce the State of North Carolina speedily to unite in our councils, and in such government as shall be formed by these states.

ADOPTED February 8, 1861.

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[No. 5.] *A Resolution in relation to the occupation of the forts and arsenals, &c.*

February 12, 1861.

*Resolved by the Congress of the Confederate States of America*, That this government takes under its charge the questions and difficulties now existing between the several states of this Confederacy and the government of the United States of America, relating to the occupation of forts, arsenals, navy yards, and other public establishments; and that the President of the Congress be directed to communicate this resolution to the several states of this Confederacy, through the respective governors thereof.

Commissioners from North Carolina.  
Questions between the States of this Confederacy and the U. S. relating to forts, arsenals, etc.

ADOPTED February 12, 1861.

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[No. 6.] *A Resolution authorizing the Secretary of Congress to arrange for publication the Provisional Constitution for the Government of the Confederate States of America, with the autograph signatures of the members of Congress, &c.*

February 14, 1861.

*Resolved by the Confederate States of America in Congress assembled*, That the Secretary of Congress be allowed to have engrossed and arranged for publication the Provisional Constitution for the government of the Confederate States of America, with the autograph signatures of the members of Congress, and the flag and seal of the Confederacy, whenever adopted.

Publication of Provisional Constitution with the autograph signatures and flag and seal of the Confederacy.

ADOPTED February 14, 1861.

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[No. 7.] *A Resolution to authorize the Judiciary Committee to have such matter printed as they may desire to lay before the Congress.*

February 14, 1861.

*Resolved by the Confederate States of America in Congress assembled*, That the Judiciary Committee be authorized to have such matter printed as they may desire to lay before the Congress.

Printing for Judiciary Committee.

ADOPTED February 14, 1861.

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[No. 8.] *A Resolution to continue in office the officers of the customs.*

February 14, 1861.

*Resolved by the Confederate States of America in Congress assembled*, That until otherwise provided, the several officers connected with the collection of customs, duties and imposts in the several states of this Confederacy, be and they are hereby confirmed and continued as officers of the government of the Confederate States of America, with their present salaries and emoluments, until the first day of April next; and that the Secretary of the Treasury be instructed to report to Congress a

Officers of customs continued in office, with their present salaries.



Diminution of expenses of collecting the revenue. plan, to go into effect at the said date, whereby the expenses of collecting the revenue at each custom house shall be diminished at least fifty per cent.

ADOPTED February 14, 1861.

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February 14, 1861.

[No. 9.] *A Resolution giving certain powers to the Committee on Naval Affairs.*

Attendance of persons before Committee on Naval Affairs.

*Resolved by the Confederate States of America in Congress assembled,* That the Committee on Naval Affairs be authorized to procure the attendance at the seat of government of all such persons versed in naval affairs as they may deem advisable to consult with in the preparation of their report.

ADOPTED February 14, 1861.

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February 15, 1861.

[No. 10.] *A Resolution to provide for printing for the Committees of the Congress.*

Printing for the standing committees of Congress.

*Resolved by the Congress of the Confederate States of America in Congress assembled,* That each of the standing committees of Congress is authorized to cause to be printed any matters which it may deem requisite for the use of the committee.

ADOPTED February 15, 1861.

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February 15, 1861.

[No. 11.] *A Resolution for the appointment of Commissioners to the Government of the United States of America.*

Commissioners to the Government of the U. S.

*Resolved by the Confederate States of America in Congress assembled,* That it is the sense of this Congress that a commission of three persons be appointed by the President elect, as early as may be convenient after his inauguration, and sent to the government of the United States of America, for the purpose of negotiating friendly relations between that government and the Confederate States of America, and for the settlement of all questions of disagreement between the two governments, upon principles of right, justice, equity and good faith.

ADOPTED February 15, 1861.

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February 16, 1861.

[No. 12.] *A Resolution for the enforcement of the Revenue Laws.*

Enforcement of the Revenue Laws.

*Resolved by the Confederate States of America in Congress assembled,* That the President of Congress instruct the collectors of the several ports of this Confederacy to enforce the existing revenue laws against all foreign countries, except the State of Texas.

ADOPTED February 16, 1861.

[No. 13.] *A Resolution to provide an Executive Mansion.*

February 25, 1861.

*The Congress of the Confederate States of America do resolve, That* the committee to arrange for government buildings be authorized to lease a furnished mansion for the residence of the President of the Confederate States. Executive mansion to be leased.

APPROVED February 25, 1861.

[No. 14.] *A Resolution in relation to patents and caveats.*

March 4, 1861.

*Resolved by the Congress of the Confederate States of America, That* all persons, being citizens of the Confederate States, who may wish to procure patents or file caveats for inventions and useful discoveries and improvements, may file in the office of the Attorney General a specification of such invention, discovery or improvement, together with such descriptive drawings as may be necessary; and such specification, when so filed, shall operate as a caveat to protect the rights of such persons, until regular application can be made according to law; and this resolution shall apply to all patents heretofore granted by the United States to citizens of this Confederacy, and to caveats heretofore filed by such citizens in the Patent Office of the United States, on such patents and copies of such caveats being deposited, as aforesaid, in the office of the Attorney General: *Provided, That* such applicants shall pay such fees as may hereafter be required by law establishing a patent office, on application for patents and filing of caveats. Specifications, etc., of inventions and useful discoveries and improvements may be filed in the office of the Attorney General.  
To operate as a caveat.  
Provide.

APPROVED March 4, 1861.

[No. 15.] *A Resolution in relation to international copyrights.*

March 7, 1861.

Whereas, Great Britain, France, Prussia, Saxony and other European Powers, have passed laws to secure to authors of other states the benefits and privileges of their copyright laws, upon condition of similar privileges being granted by the laws of such states to authors, the subjects of the powers aforesaid; Therefore be it Preamble.

*Resolved by the Congress of the Confederate States of America, That* the President be and he is hereby authorized to instruct the Commissioners appointed by him to visit the European Powers, to enter into treaty obligations for the extension of international copyright privileges to all authors, the citizens and subjects of the powers aforesaid. International copyrights.

APPROVED March 7, 1861.

[No. 16.] *A Resolution to continue the mints at New Orleans and Dahlonega.*

March 9, 1861.

*The Congress of the Confederate States of America do resolve, That* the mints at New Orleans and Dahlonega shall be continued, and the proper arrangements made as soon as possible to procure suitable dies for the coin of the Confederate States. Mints at New Orleans and Dahlonega.  
Dies for the coin.

*Resolved further, That* the Secretary of the Treasury be requested to estimate and report to Congress the lowest amount of appropriation necessary to carry out the above resolution. Appropriation for.

APPROVED March 9, 1861.

March 12, 1861.

[No. 17.] *Resolutions providing for a digest of laws.*

Committee to revise the Statute laws of the U. S.

*Resolved*, That a committee of three members of this body be appointed to revise the statute laws of the United States, and report, in form of a digest, such laws as are applicable to this Confederacy, together with such changes and modifications as they would recommend for the adoption of Congress.

Authorized to employ clerks and to order printing.

*Resolved further*, That the committee have leave to sit during the recess, and to employ such clerks and to order such printing as they may require, and that they be authorized to draw for the same on the appropriation for the contingent expenses of Congress.

Committee to be appointed by the President of Congress.

*Resolved further*, That the committee be appointed by the President of Congress.

APPROVED March 12, 1861.

March 14, 1861.

[No. 18.] *A Resolution accepting certain funds tendered to the Confederate States by the State of Louisiana.*

Preamble.

Whereas, the Convention of the State of Louisiana has adopted an ordinance as follows, to-wit:

"An ordinance to transfer certain funds to the government of the Confederate States of America.

"SECTION 1. *It is hereby ordained*, That the sum of three hundred and eighty-nine thousand two hundred and sixty-seven, forty-six one hundredths dollars, now in the hands of A. J. Guirot, State Depositary, and known as the 'Bullion Fund,' be transferred to the government of the Confederate States of America, and that said depositary be and he is hereby authorized and instructed to pay said sum upon the order of the Secretary of the Treasury of said Confederate States.

Funds tendered to the C. S. by the State of Louisiana.

"SEC. 2. *It is further ordained*, That the sum of one hundred and forty-seven thousand five hundred and nineteen dollars and sixty-six cents, being the balance received by said State Depositary from the customs since the thirty-first of January last, be transferred to said government and paid by said depositary upon the order of said Secretary of the Treasury of the Confederate States."

*Be it therefore resolved by the Congress of the Confederate States of America*, That the Congress accepts with a high sense of the patriotic liberality of the State of Louisiana, the funds so generously tendered to the treasury of the Confederate States, and proffered in the ordinance aforesaid.

APPROVED March 14, 1861.

March 15, 1861.

[No. 19.] *Resolutions in reference to forts, dock-yards, reservations and property ceded to the Confederate States.*

Cession by the States of forts, arsenals, navy yards, etc.

*Resolved by the Congress of the Confederate States*, That the Congress do recommend to the respective States to cede the forts, arsenals, navy-yards, dock-yards and other public establishments within their respective limits to the Confederate States, and moreover, to cede so much of the lands reserved heretofore by the government of the United States, or other public vacant lands in their respective limits as may be necessary for timber or lumber for naval or other purposes of public concern; and that the President of Congress be requested to communi-



cate these resolutions and the accompanying report to the governors of the respective States.

*Resolved further*, That in case of such cession, the President be and is hereby authorized and empowered to take charge of any such property President to take charge of the property ceded.

APPROVED March 15, 1861.

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[No. 20.] *Resolutions in relation to the contingent fund of Congress.*

March 15, 1861.

1st. *Resolved by the Congress of the Confederate States of America*, That the disbursement of the contingent fund of Congress be placed under the direction and control of the Secretary, subject to the approval of the committee on accounts. Disbursement of the contingent fund of Congress.

*Resolved further*, That estimates shall regularly be submitted by the Secretary, and no disbursements of the contingent fund shall hereafter be audited by the committee on accounts, except in accordance with such estimates. To be made in accordance with the estimates of the Secretary.

*Resolved further*, That the Secretary, at the next meeting of this Congress, shall submit a detailed and particular statement of the payments made and authorized by him from the contingent fund of Congress. Report by Secretary to Congress.

APPROVED March 15, 1861.

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[No. 21.] *A Resolution to provide for the auditing and payment of certain claims against the Congress.*

March 16, 1861.

*Resolved by the Congress of the Confederate States of America*, That Hon. William P. Chilton, the resident member of the committee on accounts, be authorized to audit and allow the accounts against the Congress which have not been audited and allowed—the Secretary of the Congress to act with said member of said committee; and claims audited and allowed by them to be paid on the order of said Chilton, for said committee, countersigned by said Secretary; and this resolution to operate only during the recess of Congress. Auditing and paying of certain claims against the Congress.

APPROVED March 16, 1861.



## PRIVATE ACT OF THE PROVISIONAL CONGRESS

OF THE

## CONFEDERATE STATES.

*Passed at the first session of the Provisional Congress, which was begun and held at the City of Montgomery, on Monday, February 4, 1861, and continued to March 16, 1861.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice President of the Confederate States. HOWELL COBB, President of the Congress.

CHAP. I.—*An Act for the relief of William P. Barker.*

February 25, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact*, That William P. Barker, a citizen of the State of Alabama, be authorized to file in the office of the Attorney General, a specification of an invention claimed to have been made by him, as an improvement in the mode of casting ordnance; and that the same shall, from this date, operate as a caveat, to protect his said invention, until an application can be made for a patent according to law.

Wm. P. Barker authorized to file specification of his invention.

The same to operate as a caveat.

APPROVED February 25, 1861.

## RESOLUTIONS.

[No. 1.] *A Resolution for the relief of J. M. Walden, a citizen of Georgia.*

February 16, 1861.

*Resolved by the Confederate States of America in Congress assembled*, That J. M. Walden, a citizen of the State of Georgia, be and he is hereby authorized to file with the Attorney General, a caveat, accompanied by suitable drawings and explanations, setting forth the design and purpose thereof, for the protection of an improvement claimed to have been made by him in railroad switches; and that said caveat, when so filed as aforesaid, shall be effectual to protect his rights to said invention, until a patent office shall have been established: *Provided*, That as soon as said office is established, said caveat shall be filed with the commissioner thereof, and such proceedings had thereon as may be authorized by law.

J. M. Walden authorized to file a caveat, etc., for the protection of his improvement in railroad switches.

Provide.

ADOPTED February 16, 1861.



March 15, 1861.[No. 2.] *A Resolution to pay certain naval officers their traveling expenses.*

Samuel Rousseau  
and others, late  
officers of the U.  
S. Navy, to be paid  
their traveling ex-  
penses.

SECTION 1. *The Congress of the Confederate States of America do resolve*, That the Secretary of the Navy be and he is hereby authorized to pay to Samuel Rousseau, Joseph Tatnall, Victor M. Randolph, J. D. Ingraham and Raphael Semmes, late officers of the navy of the United States, who were summoned to this city by the committee on naval affairs, in pursuance of authority conferred on said committee by a resolution of this body adopted on the fourteenth day of February, one thousand eight hundred and sixty-one, their traveling expenses at the rates prescribed by law.

APPROVED March 15, 1861.

## PUBLIC ACTS OF THE PROVISIONAL CONGRESS

OF THE

## CONFEDERATE STATES,

*Passed at the second session of the Provisional Congress, which was begun and held at the city of Montgomery, on Monday, the twenty-ninth day of April, 1861, and ended on the twenty-first day of May, 1861.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

## STATUTE II.

CHAP. I.—*An Act to provide for the appointment of chaplains in the army.*

May 3, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact,* That there shall be appointed by the President such number of chaplains, to serve with the armies of the Confederate States during the existing war, as he may deem expedient; and the President shall assign them to such regiments, brigades or posts as he may deem necessary; and the appointments made as aforesaid shall expire whenever the existing war shall terminate. Chaplains in the Army.

SEC. 2. The monthly pay of said chaplains shall be eighty-five dollars; and said pay shall be in full of all allowances whatever. Their monthly pay.

APPROVED May 3, 1861

CHAP. II.—*An Act providing for a regiment of Zouaves in the Army of the Confederate States.*

May 4, 1861.

*The Congress of the Confederate States of America do enact,* That there shall be added to the military establishment of the Confederate States, one regiment of Zouaves, to be composed of one colonel, one lieutenant-colonel, one major, and ten companies; and each company shall consist of one captain, one first lieutenant, two second lieutenants, one sergeant major, one quartermaster's sergeant, four sergeants and eight corporals, and ninety privates. And to the regiment there shall be attached one adjutant and a quartermaster, to be selected from the lieutenants. And one assistant surgeon shall be appointed for the regiment, in addition to those already authorized by law for the medical department. The monthly pay of the officers of the regiment of Zouaves shall be the same as that of officers of infantry of the same rank; the allowances shall also be the same as those provided by law for officers of infantry; and the adjutant and quartermaster shall receive ten dollars per month in addition to their pay as lieutenants. The monthly pay of the Regiment of zouaves added to the military establishment.  
Officers, and their pay and allowances.

enlisted men of said regiment of Zouaves shall be as follows : sergeants major and quartermaster's sergeants, twenty dollars ; sergeants, seventeen dollars ; corporals, thirteen dollars ; and privates, eleven dollars each ; together with the same rations and allowance for clothing as are received by all other enlisted men.

APPROVED May 4, 1861.

May 6, 1861.

CHAP. III.—*An act recognizing the existence of war between the United States and the Confederate States; and concerning letters of marque, prizes and prize goods.*

Preamble.

Whereas, the earnest efforts made by this Government to establish friendly relations between the Government of the United States and the Confederate States, and to settle all questions of disagreement between the two Governments upon principles of right, justice, equity and good faith, have proved unavailing by reason of the refusal of the Government of the United States to hold any intercourse with the commissioners appointed by this Government for the purposes aforesaid, or to listen to any proposal they had to make for the peaceful solution of all causes of difficulty between the two Governments ; *and whereas*, the President of the United States of America has issued his proclamation making requisition upon the States of the American Union for seventy-five thousand men for the purpose, as therein indicated, of capturing forts and other strongholds within the jurisdiction of, and belonging to the Confederate States of America, and has detailed naval armaments upon the coasts of the Confederate States of America, and raised, organized and equipped a large military force to execute the purpose aforesaid, and has issued his other proclamation announcing his purpose to set on foot a blockade of the ports of the Confederate States : *and whereas*, the State of Virginia has seceded from the Federal Union and entered into a convention of alliance offensive and defensive with the Confederate States, and has adopted the Provisional Constitution of the said States ; and the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas and Missouri, have refused, and it is believed that the State of Delaware and the inhabitants of the territories of Arizona and New Mexico, and the Indian territory south of Kansas, will refuse to co-operate with the Government of the United States in these acts of hostilities and wanton aggression, which are plainly intended to overawe, oppress and finally subjugate the people of the Confederate States ; *and whereas*, by the acts and means aforesaid, war exists between the Confederate States and the Government of the United States, and the states and territories thereof, except the States of Maryland, North Carolina, Tennessee, Kentucky, Arkansas, Missouri and Delaware, and the territories of Arizona and New Mexico, and the Indian territory south of Kansas : Therefore,

SECTION I. *The Congress of the Confederate States of America do enact*, That the President of the Confederate States is hereby au-

President authorized to use the whole land and naval forces.

And to issue letters of marque and reprisal.

Provido, as to property of the enemy.

Further proviso as to vessels of

thorized to use the whole land and naval force of the Confederate States to meet the war thus commenced, and to issue to private armed vessels commissions, or letters of marque and general reprisal, in such form as he shall think proper, under the seal of the Confederate States, against the vessels, goods and effects of the government of the United States, and of the citizens or inhabitants of the states and territories thereof, except the states and territories herein before named : *Provided, however*, That property of the enemy (unless it be contraband of war) laden on board a neutral vessel, shall not be subject to seizure under this act : *And provided further*, That vessels of the citizens or



inhabitants of the United States now in the ports of the Confederate States, except such as have been since the fifth of April last, or may hereafter be, in the service of the government of the United States, shall be allowed thirty days after the publication of this act, to leave said ports and reach their destination; and such vessels and their cargoes, excepting articles contraband of war, shall not be subject to capture under this act during said period, unless they shall have previously reached the destination for which they were bound on leaving said ports.

SEC. 2. That the President of the Confederate States shall be and he is hereby authorized and empowered to revoke and annul, at pleasure, all letters of marque and reprisal which he may at any time grant pursuant to this act.

SEC. 3. That all persons applying for letters of marque and reprisal, pursuant to this act, shall state in writing the name and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, and the intended number of the crew; which statement shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State.

SEC. 4. That before any commission or letters of marque and reprisal shall be issued as aforesaid, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof for the time being, shall give bond to the Confederate States, with at least two responsible sureties not interested in such vessel, in the penal sum of five thousand dollars, or if such vessel be provided with more than one hundred and fifty men, then in the penal sum of ten thousand dollars, with condition that the owners, officers and crew who shall be employed on board such commissioned vessel, shall and will observe the laws of the Confederate States, and the instructions which shall be given them according to law for the regulation of their conduct, and will satisfy all damages and injuries which shall be done or committed contrary to the tenor thereof, by such vessel during her commission, and to deliver up the same when revoked by the President of the Confederate States.

SEC. 5. That all captures and prizes of vessels and property shall be forfeited and shall accrue to the owners, officers and crews of the vessels by whom such captures and prizes shall be made, and on due condemnation had, shall be distributed according to any written agreement which shall be made between them; and if there be no such written agreement, then one moiety to the owners and the other moiety to the officers and crew, as nearly as may be, according to the rules prescribed for the distribution of prize money by the laws of the Confederate States.

SEC. 6. That all vessels, goods and effects, the property of any citizen of the Confederate States, or of persons resident within and under the protection of the Confederate States, or of persons permanently within the territories and under the protection of any foreign prince, government or state in amity with the Confederate States, which shall have been captured by the United States, and which shall be recaptured by vessels commissioned as aforesaid, shall be restored to the lawful owners, upon payment by them of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court having jurisdiction, according to the nature of each case, agreeably to the provisions established by law. And such salvage shall be distributed among the owners, officers and crews of the vessels

citizens of the U. S. now in the ports of the C. S.

President may revoke letters of marque and reprisal.

Applications for letters of marque and reprisal to be in writing. What to be stated.

Bond and security by owners of vessels.

Penalty and condition.

Forfeiture of captures and prizes of vessels and other property.

Distribution of prizes.

Vessels and other property of citizens of the C. S. and certain other persons, recaptured, to be restored to owners on the payment of salvage.

Distribution of salvage.

commissioned as aforesaid, and making such captures, according to any written agreement which shall be made between them; and in case of no such agreement, then in the same manner and upon the principles herein before provided in cases of capture.

Vessel to be brought into port before breaking of bulk,

and proceeded against before a competent tribunal.

Condemnation and forfeiture.

District Courts to have exclusive original cognizance.

When the court may decree restitution,

and damages and costs.

Persons on captured or recaptured vessels to be reported to the collector of the port, and delivered into the custody of the marshal, etc.

Instructions by the President to officers and crews of vessels commissioned.

Copies to be delivered by collectors of the customs.

Bounties allowed.

To be paid by the Secretary of the Treasury.

Commanding officer of vessel having a commission or letters of marque and reprisal, to keep a regular journal. What the journal to contain.

SEC. 7. That before breaking bulk of any vessel which shall be captured as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such captured vessel, goods or effects shall be brought into some port of the Confederate States, or of a nation or state in amity with the Confederate States, and shall be proceeded against before a competent tribunal; and after condemnation and forfeiture thereof shall belong to the owners, officers and crew of the vessel capturing the same, and be distributed as before provided; and in the case of all captured vessels, goods and effects which shall be brought within the jurisdiction of the Confederate States, the district courts of the Confederate States shall have exclusive original cognizance thereof, as in civil cases of admiralty and maritime jurisdiction; and the said courts, or the courts, being courts of the Confederate States, into which such cases shall be removed, and in which they shall be finally decided, shall and may decree restitution in whole or in part, when the capture shall have been made without just cause. And if made without probable cause, may order and decree damages and costs to the party injured, for which the owners and commanders of the vessels making such captures, and also the vessels, shall be liable.

SEC. 8. That all persons found on board any captured vessels, or on board any recaptured vessel, shall be reported to the collector of the port in the Confederate States in which they shall first arrive, and shall be delivered into the custody of the marshal of the district, or some court or military officer of the Confederate States, or of any state in or near such port, who shall take charge of their safe keeping and support, at the expense of the Confederate States.

SEC. 9. That the President of the Confederate States is hereby authorized to establish and order suitable instructions for the better governing and directing the conduct of the vessels so commissioned, their officers and crews, copies of which shall be delivered by the collector of the customs to the commanders, when they shall give bond as before provided.

SEC. 10. That a bounty shall be paid by the Confederate States of twenty dollars for each person on board any armed ship or vessel, belonging to the United States, at the commencement of an engagement, which shall be burnt, sunk or destroyed by any vessel commissioned as aforesaid, which shall be of equal or inferior force, the same to be divided as in other cases of prize money; and a bounty of twenty-five dollars shall be paid to the owners, officers and crews of the private armed vessels commissioned as aforesaid, for each and every prisoner by them captured and brought into port, and delivered to an agent authorized to receive them, in any port of the Confederate States; and the Secretary of the Treasury is hereby authorized to pay or cause to be paid to the owners, officers and crews of such private armed vessels commissioned as aforesaid, or their agent, the bounties herein provided.

SEC. 11. That the commanding officer of every vessel having a commission or letters of marque and reprisal, during the present hostilities between the Confederate States and the United States, shall keep a regular journal, containing a true and exact account of his daily proceedings and transactions with such vessel and the crew thereof; the ports and places he shall put into or cast anchor in; the time of his stay there and the cause thereof; the prizes he shall take and the nature and probable value thereof; the times and places when and where

taken, and in what manner he shall dispose of the same; the ships or vessels he shall fall in with; the times and places when and where he shall meet with them, and his observations and remarks thereon; also, of whatever else shall occur to him or any of his officers or marine, or be discovered by examination or conference with any marines or passengers of or in any other ships or vessels, or by any other means touching the fleets, vessels and forces of the United States, their posts and places of station and destination, strength, numbers, intents and designs; and such commanding officer shall, immediately on his arrival in any port of the Confederate States, from or during the continuance of any voyage or cruise, produce his commission for such vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and hand-writing, to the collector or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being. And such collector or other chief officer of the customs shall, immediately on the arrival of such vessel, order the proper officer of the customs to go on board and take an account of the officers and men, the number and nature of the guns, and whatever else shall occur to him on examination material to be known; and no such vessel shall be permitted to sail out of port again until such journal shall have been delivered up, and a certificate obtained under the hand of such collector or other chief officer of the customs that she is manned and armed according to her commission; and upon delivery of such certificate, any former certificate of a like nature which shall have been obtained by the commander of such vessel, shall be delivered up.

On arrival into port to produce his commission and deliver up his journal.

Officer of the customs to go on board and take an account of the officers and men, the number of guns, &c.

Vessel not to leave port till journal shall have been surrendered, and certificate obtained from officer of the customs.

Former certificate to be delivered up.

SEC. 12. That the commanders of vessels having letters of marque and reprisal as aforesaid, neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating the record of any material transactions contained therein, where the interest of the Confederate States is concerned, or refusing to produce and deliver such journal, commission or certificate, pursuant to the preceding section of this act, then and in such cases the commissions or letters of marque and reprisal of such vessels shall be liable to be revoked; and such commanders, respectively, shall forfeit for every such offence the sum of one thousand dollars, one moiety thereof to the use of the Confederate States, and the other to the informer.

Penalty for neglecting to keep a journal, or wilfully making fraudulent entries therein, etc.

SEC. 13. That the owners or commanders of vessels having letters of marque and reprisal as aforesaid, who shall violate any of the acts of Congress for the collection of the revenue of the Confederate States, and for the prevention of smuggling, shall forfeit the commission or letters of marque and reprisal, and they and the vessels owned or commanded by them shall be liable to all the penalties and forfeitures attaching to merchant vessels in like cases.

Penalty for violating the acts for the collection of the revenue and the prevention of smuggling.

SEC. 14. That on all goods, wares and merchandise captured and made good and lawful prizes of war, by any private armed ship having commission or letters of marque and reprisal under this act, and brought into the Confederate States, there shall be allowed a deduction of thirty-three and one-third per cent. on the amount of duties imposed by law.

Deduction allowed of duties on goods captured and made lawful prizes.

SEC. 15. That five per centum on the net amount (after deducting all charges and expenditures) of the prize money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the Confederate States, shall be secured and paid over to the collector or other chief officer of the customs, at the port or place in the Confederate States at which such captured or recaptured vessels may arrive, or to the consul or other public agent of the Confederate States residing at the port or place not within the Confederate States at which such captured or recaptured vessel may

Five per cent. on the net amount of prize money and salvage, to be paid to collectors of customs, consuls, or other public agents.



This money to arrive. And the moneys arising therefrom shall be held and are hereby constitute a fund pledged by the government of the Confederate States as a fund for the support of the widows and orphans of persons may be slain, and for the support and maintenance of such persons as killed, and other may be wounded and disabled on board of the private armed vessels commissioned as aforesaid, in any engagement with the enemy, to be assigned and distributed in such manner as shall hereafter be provided by law.

APPROVED May 6, 1861.

May 7, 1861.

CHAP. IV.—*An Act to admit the Commonwealth of Virginia as a member of the Confederate States of America.*

Admission of Virginia.

The Commonwealth of Virginia having, in a convention of her people, ratified and adopted the Constitution for the Provisional Government of the Confederate States of America; Therefore—

*The Congress of the Confederate States of America do enact*, That the Commonwealth of Virginia be and is hereby admitted as a member of the said Confederate States, upon an equal footing with the other Confederate States, under the Constitution for the Provisional Government of the same.

APPROVED May 7, 1861.

May 8, 1861.

CHAP. V.—*An Act to raise an additional military force to serve during the war.*

President authorized to accept the services of volunteers without regard to the place of enlistment.

*The Congress of the Confederate States of America do enact*, That in addition to the volunteer force authorized to be raised under existing laws, the President be and he is hereby authorized to accept the services of volunteers who may offer their services, without regard to the place of enlistment, either as cavalry, mounted riflemen, artillery, or infantry, in such proportion of these several arms as he may deem expedient, to serve for and during the existing war, unless sooner discharged.

May be accepted in companies and organized into squadrons, etc.

President to appoint field and staff officers. Company officers elected by the company, and commissioned by the President.

Vacancies; how filled.

Volunteer forces to be subject to acts for the government of the army.

SEC. 2. That the volunteers so offering their services may be accepted by the President in companies, to be organized by him into squadrons, battalions or regiments. The President shall appoint all field and staff officers, but the company officers shall be elected by the men composing the company; and if accepted, the officers so elected shall be commissioned by the President.

SEC. 3. That any vacancies occurring in the ranks of the several companies mustered into service under the provisions of this act, may be filled by volunteers accepted under the rules of such companies; and any vacancies occurring in the officers of such companies shall be filled by elections in accordance with the same rules.

SEC. 4. Except as herein differently provided, the volunteer forces hereby authorized to be raised, shall in all regards be subject to and organized in accordance with the provisions of "An act to provide for the public defence," and all other acts for the government of the armies of the Confederate States.

APPROVED May 8, 1861.

CHAP. VI.—*An Act to amend "An act vesting certain powers in the Postmaster General," approved March 15, 1861.* May 9, 1861.

*The Congress of the Confederate States of America do enact, That* the provisions of "An act vesting certain powers in the Postmaster General," approved March fifteenth, one thousand eight hundred and sixty-one, be so amended as that he be and hereby he is authorized, on and after a day to be named by him in a proclamation to be issued by him for that purpose, to take the entire charge and direction of the postal service of the Confederate States.

Postmaster General to take entire charge of the postal service.

SEC. 2. *And be it further enacted, That* the Postmaster General be and he hereby is authorized and empowered to annul contracts, or to discontinue or curtail the service and pay on them, when he shall deem it advisable to dispense with the service, in whole or in part, or to place a higher or different grade of service on the route, or when the public interests shall require such discontinuance or curtailment for any other cause, he allowing one month's extra pay on the amount of service dispensed with, in full of all damages to the contractor.

Empowered to annul contracts, or to discontinue or curtail the service, etc.

Extra pay allowed where service discontinued.

SEC. 3. *And be it further enacted, That* the railroads in the Confederate States be and they are hereby divided into three classes, on the following basis, viz: The great through lines connecting important points and conveying heavy mails, to be class number one; completed railroads connecting less important points, but carrying heavy mails for local distribution, to be class number two; and roads on which less important mails are conveyed, short branch roads, and such unfinished roads as do not carry great mails or connect important points, shall be class number three.

Classification of railroads.

SEC. 4. *And be it further enacted, That* in contracts made with railroad companies for carrying the mail once a day, on schedules to be agreed on, the Postmaster General may allow them compensation not exceeding the following rates, viz: On first class roads, one hundred and fifty dollars per mile; on second class roads, one hundred dollars per mile; and on third class roads, fifty dollars per mile; the amount of compensation to be determined by the importance and value of the services to be performed: *Provided, That* if one-half of the services on any railroad is required to be performed in the night time, it shall be lawful for the Postmaster General to pay twenty-five per cent. in addition to the above named maximum rates of pay: *Provided, further, That* the agents, messengers, and other traveling employees of the postoffice department shall pass free of charge over such roads, respectively; and this act shall take effect and be of force from and after its passage.

Compensation allowed railroad companies.

Additional pay for night service.

Employees of the Postoffice Department to pass free over the road.

APPROVED May 9, 1861.

CHAP. VII.—*An Act to amend "An act to provide for the public defence," approved March 6, 1861.* May 10, 1861.

*The Congress of the Confederate States of America do enact, That* the President may receive into the service of the Confederate States any company of light artillery, which by said act he is authorized to do, with such complement of officers and men, and with such equipments as to him shall seem proper; anything in said act of the sixth of March, one thousand eight hundred and sixty-one, to the contrary, notwithstanding.

President may receive into service companies of light artillery.

APPROVED May 10, 1861.

May 11, 1861.

CHAP. VIII.—*An Act to make further provision for the public defence.*

Preamble,

Whereas, war exists between the United States and the Confederate States; and whereas the public welfare may require the reception of volunteer forces into the service of the Confederate States, without the formality and delay of a call upon the respective States: [Therefore]—

President authorized to receive into service companies, battalions or regiments.

*The Congress of the Confederate States of America do enact, That* the President be authorized to receive into service such companies, battalions or regiments, either mounted or on foot, as may tender themselves, and he may require, without the delay of a formal call upon the respective States, to serve for such time as he may prescribe.

Organization of volunteer forces.

SEC. 2. Such volunteer forces who may be accepted under this act, except as herein differently provided, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defence," and be entitled to all the allowances provided therein;

Allowances.

Service.

and when mustered into service, may be attached to such divisions, brigades or regiments as the President may direct, or ordered upon such in-

Battalions, etc., from States not of the Confederacy. President may appoint the field officers.

dependent or detached service as the President may deem expedient: *Provided, however,* That battalions and regiments may be enlisted from states not of this Confederacy, and the President may appoint all or any of the field officers thereof.

Commission of officers.

SEC. 3. The President shall be authorized to commission all officers entitled to commissions, of such volunteer forces as may be received under the provisions of this act. And upon the request of the officer commanding such volunteer regiment, battalion or company, the President

Supernumerary officer to each company.

may attach a supernumerary officer to each company, detailed from the regular army for that purpose, and for such time as the President may direct

APPROVED May 11, 1861.

May 11, 1861.

CHAP. IX.—*An Act relative to telegraph lines of the Confederate States.*

President authorized to take the control of telegraph lines.

*The Congress of the Confederate States of America do enact, That* during the existing war, the President be and he is hereby authorized and empowered to take such control of such of the lines of telegraph in the Confederate States, and of such of the offices connected therewith, as will enable him effectually to supervise the communications passing through the same, to the end that no communications shall be conveyed of the military operations of the government to endanger the success of such operations, nor any communication calculated to injure the cause of the Confederate States, or to give aid and comfort to their enemies.

To appoint agents to supervise communications.

SEC. 2. The President shall appoint trustworthy agents in such offices, and at such points on the various lines as he may think fit, whose duty it shall be to supervise all communications sent or passing through said lines, and to prevent the transmission of any communication deemed to be detrimental to the public service.

When he may take possession of the lines.

SEC. 3. In case the owners and managers of said lines shall refuse to permit such supervision, or shall fail or refuse to keep up and continue the business on said lines, the President is hereby empowered to take possession of the same for the purposes aforesaid.

To issue instructions to the agents and operators of the lines.

SEC. 4. The President shall from time to time issue instructions to the agents so appointed, and to the operators of the various lines, to regulate the transmission of communications touching the operations of the government, or calculated to affect the public welfare.



SEC. 5. That the President, at his discretion, may employ the operators of the lines as the agents of the government, so that in this as in all other respects, there may be as little interference with the business and management of such lines as may be compatible with the public interest. May employ the operators as agents of the government.

SEC. 6. That the compensation of the agents appointed under this act, where such agents are not officers of the company, and the expense attending the execution of the provisions of this act, shall be paid out of the treasury. Compensation of agents to be paid out of the treasury.

SEC. 7. That no communications in cypher, nor enigmatical, or other doubtful communication, shall be transmitted, unless the person sending the same shall be known to the agent of the government to be trustworthy, nor until the real purport of such communication shall be explained to such agent. Communications in cypher and enigmatical communications.

SEC. 8. That the President is hereby authorized, whenever it may be found necessary or advisable for the successful prosecution of the war, to extend existing lines of telegraph, or make connections between the same, the expense of contracting such additional lines to be paid out of any money in the treasury not otherwise appropriated. Extension and connection of lines.

SEC. 9. That all present and future officers of the telegraph lines engaged in receiving and transmitting intelligence within the Confederate States shall, as soon as practicable after the passage of this act or after their appointment, take and subscribe before any judicial officer of any one of the Confederate States, the following oath: "I, A B, do solemnly swear that I will support and maintain the Constitution of the Confederate States of America, and will not, knowingly, directly or indirectly, transmit through the telegraph any communication or information calculated to injure the cause of the Confederate States, or to give aid or comfort to their enemies." Oath required of officers.

SEC. 10. That if any person shall knowingly send or transmit any message or communication touching the military operations of the government, without the same being first submitted to the inspection of the agent of the government, or any message calculated to aid and promote the cause of the enemies of the Confederate States, he shall be subject to indictment in the district court of the Confederate States, and on conviction shall be fined in a sum not less than five hundred dollars, and imprisoned for a term not less than one year. Communications touching military operations.  
Party sending, subject to indictment.  
Fine and imprisonment.

APPROVED May 11, 1861.

CHAP. X.—An Act to amend an act entitled "An act to fix the pay of members of the Congress of the Confederate States of America," approved March 11, 1861. May 11, 1861.

*The Congress of the Confederate States of America do enact, That the above entitled act, approved March the eleventh, eighteen hundred and sixty-one, be so amended and construed as to provide, that in computing the mileage to which members are entitled, the distance shall be estimated by the usual route of travel from the residence of the member to the place where Congress may assemble.* How mileage allowed members of Congress computed.

SEC. 2. *Be it further enacted, That this act shall take effect and be of force from its passage.* Commencement of act.

APPROVED May 11, 1861.

May 11, 1861.

CHAP. XI.—*An Act in relation to the Confederate Loan.*

Preamble.

Whereas, under and by virtue of the act to raise money for the support of the government, and to provide for the defence of the Confederate States of America, approved February twenty-eighth, eighteen hundred and sixty-one, the Secretary of the Treasury did proceed to offer five millions of said loan, conformably to the provisions of said act: And whereas, in many portions of the Confederate States the currency was and is composed of notes of banks which have suspended specie payment, not of necessity, but as a measure of public policy: And whereas, certain of said banks did agree to redeem in coin or its equivalent such of their notes as should be paid in by subscribers to said loan: And whereas, the Secretary of the Treasury, in view of the exigencies of the times, and with a desire to give to the people of all parts of the Confederate States the opportunity of subscribing to said loan, did authorize the loan commissioners to receive the notes of the banks hereinbefore referred to; and to avoid inconvenience and the risk of transit, has authorized the said loan commissioners to deposit the moneys received by them in said banks: Now, therefore—

Acts of the Secretary of the Treasury, his subordinate officers and of the loan commissioners confirmed, and said officers to continue to act.

*The Congress of the Confederate States of America do enact*, That all of the acts and doings of the Secretary of the Treasury, of his subordinate officers, and of the loan commissioners, consistent with the facts recited in the foregoing preamble, are hereby confirmed and made valid, any law, usage or custom to the contrary, notwithstanding; and the said Secretary, his subordinate officers, and the loan commissioners, are hereby authorized to continue so to act in regard to the said loan, until the whole amount authorized by said act shall have been fully subscribed for, and their duties regarding the same shall have determined; and the said Secretary is authorized to make and continue the deposits of moneys received or to be received on account of the said loan in any of the said banks; and the Treasurer of the Confederate States is authorized to draw checks or warrants on said banks on account of said deposits, payable either in coin or its equivalent, or in current bank notes, as the Secretary of the Treasury may direct.

Deposits of money in banks.

Checks or warrants on the banks for the deposits; how payable.

APPROVED May 11, 1861.

May 11, 1861.

CHAP. XII.—*An Act to amend an act entitled "An act further to provide for the organization of the Postoffice Department," approved March 9, 1861.*

Salaries of chiefs of the bureaux in the Postoffice Department.

The appointment of their successors,

And of the clerks draftsman, and other employees.

*The Congress of the Confederate States of America do enact*, That from and after the passage of this act, the annual salary of the chief of the contract bureau, the chief of the appointment bureau, and the chief of the finance bureau, shall be three thousand dollars; and that hereafter, as the office of either of them shall be vacated, the appointment of his successor shall be made by the President of the Confederate States, by and with the advice and consent of the Congress; and the clerks, draftsman and other employees of the department shall be appointed by the Postmaster General.

Vacancy in the office of Postmaster General. Who to discharge the duties.

SEC. 2. *And be it further enacted*, That in case of the death, resignation, absence or removal from office of the Postmaster General, all his powers and duties shall devolve on and be performed by the chief of the contract bureau, until a successor shall be appointed and arrive at the general postoffice to perform the business, or until the return of the Postmaster General: *Provided, however*, The said chief of the contract bureau shall make no permanent appointment of clerks.

Proviso.

Principal Clerk

SEC. 3. *And be it further enacted*, That there shall be allowed to each

of the bureaus of the department, and also to the inspection office, a principal clerk, at an annual salary of fourteen hundred dollars each. And the Postmaster General is hereby authorized to employ ten additional clerks, at an annual salary of twelve hundred dollars each; also four clerks, at an annual salary of one thousand dollars each; also one watchman, at an annual salary of five hundred dollars.

SEC. 4 *And be it further enacted*, That the clerk charged with the disbursement of the contingent and salary funds of the department, be allowed an additional compensation of two hundred dollars per annum; and that this act take effect and be in force from and after its passage.

APPROVED May 11, 1861.

CHAP. XIII.—*An Act to amend "An act to prescribe the rates of postage in the Confederate States of America, and for other purposes," approved February 23, 1861.* May 13, 1861.

*The Congress of the Confederate States of America do enact*, That so much of the first section of an act entitled "An act to prescribe the rates of postage in the Confederate States of America, and for other purposes," approved February twenty-third, one thousand eight hundred and sixty-one, as relates to sealed packages, containing other than printed or written matter, including money packages, be and the same is hereby so amended as to require that such packages shall be rated by weight, and charged the rates of letter postage.

SEC. 2 *And be it further enacted*, That the second section of said act be amended as follows, to-wit: That all newspapers published within the Confederate States, not exceeding three ounces in weight, and sent from the office of publication to actual and *bona fide* subscribers within the Confederate States, shall be charged with postage as follows, to-wit: The postage on the regular numbers of a newspaper published weekly shall be ten cents per quarter; papers published semi-weekly, double that amount; papers published thrice a week, treble that amount; papers published six times a week, six times that amount; and papers published daily, seven times that amount. And on newspapers weighing more than three ounces there shall be charged on each additional ounce, in addition to the foregoing rates, on those published once a week, five cents per ounce or fraction of an ounce per quarter; on those published twice a week, ten cents per ounce per quarter; on those published three times a week, fifteen cents per ounce per quarter; on those published six times a week, thirty cents per ounce per quarter; and on those published daily, thirty-five cents per ounce per quarter. And periodicals published oftener than bi-monthly, shall be charged as newspapers. And other periodicals, sent from the office of publication to actual and *bona fide* subscribers, shall be charged with postage as follows, to-wit: The postage on the regular numbers of a periodical published within the Confederate States, not exceeding one and a half ounces in weight, and published monthly, shall be two and a half cents per quarter, and for every additional ounce or fraction of an ounce, two and a half cents additional; if published semi-monthly, double that amount; and periodicals published quarterly or bi-monthly, shall be charged two cents an ounce; and regular subscribers to newspapers and periodicals shall be required to pay one-quarter's postage thereon, in advance, at the office of delivery, unless paid at the office where published. And there shall be charged upon every other newspaper, and each circular not sealed, hand-bill, engraving, pamphlet, periodical and magazine, which shall be unconnected with any manuscript or written matter, and not exceeding three ounces in weight, and published within

Act of Feb. 23d, 1861, ch. 13, relating to postage on certain sealed packages, amended.

Amendment of 2d section of the above act.

Postage on certain newspapers.

On periodicals.

On other newspapers, circulars, hand-bills, engravings, pamphlets, periodicals and magazines.



Prepayment of the Confederate States, two cents; and for each additional ounce or fraction of an ounce, two cents additional; and in all cases the postage shall be prepaid by stamps, or otherwise, as the Postmaster General shall direct.

Books deemed available matter. And books, bound or unbound, not weighing over four pounds, shall be deemed available matter, and shall be charged with postage, to be prepaid by stamps or otherwise, as the Postmaster General shall direct, at two cents an ounce for any distance. And upon all newspapers, periodicals and books, as aforesaid, published beyond the limits of the Confederate States, there shall be charged postage at double the foregoing specified rates. The publishers of newspapers or periodicals within the Confederate States may send and receive to and from each other, from their respective offices of publication, one copy of each publication free of postage. All newspapers, unsealed circulars, or other unsealed printed transient matter, placed in any postoffice not for transmission but for delivery only, shall be charged postage at the rate of one cent each.

Postage on newspapers, etc., placed in postoffice for delivery only. *SEC. 3 And be it further enacted,* That the third section of the above recited act be and the same is hereby so amended, as to authorize the Postmaster General to provide and furnish ten cent stamps and stamped envelopes; and that the provisions, restrictions and penalties prescribed by said section of said act for violations of the same in relation to two, five, and twenty cent stamps and stamped envelopes, shall, in all respects, apply to the denomination of stamps and stamped envelopes herein provided for.

Proviso in the fifth section of the said act be so amended as to extend to the chiefs of the contract, appointment and finance bureaus of the Postoffice Department the privilege therein conferred upon the Postmaster General, his chief clerk, and the auditor of the treasury for the Postoffice Department, of transmitting through the mails, free of postage, any letters, packages, or other matters relating exclusively to their official duties or to the business of the Postoffice Department, subject to the restrictions and penalties prescribed by the said proviso; and that this act take effect and be of force from and after its passage.

APPROVED May 13, 1861.

OPERATIONS OF THE MINTS SUSPENDED. *CHAPTER XIV.—An Act to suspend the operations of the Mints.*

*The Congress of the Confederate States of America do enact,* That from and after the first day of June ensuing, the operations of the several mints in the Confederate States be suspended; and that all officers therein shall cease to exercise their functions or to receive any salaries; and that all moneys and bullion in the hands of any officer shall forthwith be transferred to the Treasurer of the Confederate States.

*SEC. 2.* That the mint at New Orleans, with the tools, implements and all appurtenances, be placed by the superintendent in charge of some fit person, to be approved by the Secretary of the Treasury; and that the said Secretary be authorized to accept the superintendent as such custodian, and to allow him, or such other person as may be appointed, the use and occupation of the portion heretofore used as a dwelling, in consideration of his undertaking the charge and safe-keeping of the whole establishment.

*SEC. 3.* That the Secretary of the Treasury, until otherwise directed by law, be authorized to take the same course in relation to the mint and public property connected with it at Dahlonega.

APPROVED May 14, 1861.

OPERATIONS OF THE MINTS SUSPENDED. *CHAPTER XIV.—An Act to suspend the operations of the Mints.*

*The Congress of the Confederate States of America do enact,* That from and after the first day of June ensuing, the operations of the several mints in the Confederate States be suspended; and that all officers therein shall cease to exercise their functions or to receive any salaries; and that all moneys and bullion in the hands of any officer shall forthwith be transferred to the Treasurer of the Confederate States.

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*SEC. 3.* That the Secretary of the Treasury, until otherwise directed by law, be authorized to take the same course in relation to the mint and public property connected with it at Dahlonega.

APPROVED May 14, 1861.

CHAP. XV.—*An Act to organize further the Bureau of Superintendent of Public Printing.* May 14, 1861.

*The Congress of the Confederate States of America do enact, That* the salary of the Superintendent of Public Printing shall be three thousand dollars, payable as other salaries of heads of bureaus in the several departments.

SEC. 2. The Superintendent of Public Printing shall be entitled to a messenger, who shall receive a salary of three hundred dollars per annum.

SEC. 3. The publication of the laws and journals of Congress shall be exclusively under the direction of the Superintendent of Public Printing, subject to the supervision and control of the Attorney General. And the Superintendent may contract with publishers of newspapers as to the terms of publication of the laws and journals, not exceeding in compensation the rates usually paid by other advertisers for similar work.

SEC. 4. The Superintendent shall have authority to contract, by advertising for sealed proposals, for all paper necessary to do all the printing ordered by Congress, or either one of the executive departments. In all cases the contractor shall furnish the paper, at such times and in such quantities as the Superintendent shall require, and shall give bond, with two good sureties, for the faithful performance of the contract.

SEC. 5. All orders for printing by Congress, or any of the executive departments, shall be sent to the Superintendent of Public Printing, to be by him delivered to the printer or contractor; and the printing, when completed, shall be returned to the Superintendent, to be received or rejected, and by him delivered according to the order.

SEC. 6. All laws and parts of laws militating against this act, be and the same are hereby repealed.

APPROVED May 14, 1861.

His messenger and his salary.

The publication of the laws, etc., to be under the direction of the superintendent.

Contracts with publishers of newspapers.

Advertising for sealed proposals, for paper.

Contract or to furnish paper as the superintendent shall require. To give bond and security.

Orders for printing by Congress or any of the departments. Duties of the superintendent in respect thereto.

Laws militating against this act, repealed.

CHAP. XVI.—*An Act to authorize the transfer of appropriations.*

May 14, 1861.

*The Congress of the Confederate States of America do enact, That* during the recess of Congress the President of the Confederate States may and he is hereby authorized, on the application of the secretary of the proper department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that department, be applied to another branch of expenditure in the same department; in which case a special account of moneys thus transferred, shall be laid before Congress during the first week of the next ensuing session.

SEC. 2. This act shall continue and be of force until the end of the existing war, and no longer.

APPROVED May 14, 1861.

Moneys appropriated for a particular branch of expenditure in one department may be applied to another in same department.

Special account thereof to be laid before Congress.

When this act to cease.

CHAP. XVII.—*An Act to define the limits of the port of New Orleans, and for other purposes.*

May 14, 1861.

*The Congress of the Confederate States of America do enact, That* the port of New Orleans, in the State of Louisiana, shall embrace and include all the waters, inlets and shores on both sides of the river Mississippi, within the whole parish of Orleans, that part of the parish of Jefferson on the right bank of said river to the upper line of the Destrehaus canal,

Limits of the port of New Orleans, defined.

and that portion of the said parish of Jefferson on the left bank of the Mississippi river to the upper limits of the town or faubourg of Hartsville.

The ports of delivery known as bayou St. John's, Lake Port, and Port Pontchartrain, and the customs officers authorized therefor, be and the same are hereby abolished and discontinued, and all the waters, inlets and shores embraced within the limits of said ports be added to and included in the port of New Orleans.

APPROVED May 14, 1861.

May 14, 1861.

CHAP. XVIII.—*An Act regulating the sale of prizes, and the distribution thereof.*

Sale of prizes.

*The Congress of the Confederate States of America do enact, That all prizes of vessels and property captured by private armed ships, in pursuance of the act passed by Congress recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes and prize goods, which may be condemned in any court of the Confederate States, shall be sold at public auction by the marshal of the district in which the same shall be condemned, within sixty*

*days after the condemnation thereof—sufficient notice of the time and place and condition of sale being first given—on such day or days, on such terms of credit, and in such lots or proportions as may be designated by the owner or owners, or agent of the owner or owners, of the privateer which may have captured the same: Provided, That the term of such*

Terms.

*credit shall not exceed ninety days. And the said marshal is hereby directed to take and receive from the purchaser or purchasers of such prize vessel and property, the money therefor, or his, her or their promissory notes, with endorsers, to be approved by the owner or owners of the privateer, to the amount of the purchase, payable according to the terms thereof.*

*SEC. 2. That upon all duties, costs and charges being paid according to law, the said marshal shall, on demand, deliver and pay over to the owner or owners of the privateer, or to the agent of such owner or owners of the privateer which may have captured such prize vessel and property, a just and equal proportion of the funds received on account of the sale thereof, and of the promissory notes directed to be taken as aforesaid, to which the said owner or owners may be entitled, according to the articles of agreement between the said owner or owners and the officers and crew of the said privateer; and a just and equal proportion of the proceeds of the sale as aforesaid, shall, on demand, be also paid over by the said marshal to the officers and crew of the said privateer, or to their agent or agents. And if there be no written agreement, it shall be the duty of the marshal to pay over, in manner as aforesaid, one moiety of the proceeds of the sale of such prize vessel and property to the owner or owners of the privateer which may have captured the same; and the other moiety of the said proceeds to the agent or agents of the officers and crew of the said privateer, to be distributed according to law, or to any agreement by them made: Provided, The said officers and crew, or their agent or agents, shall have first refunded to the owner or owners, or to the agent of the owner or owners of the privateer aforesaid, the full amount of advances which shall have been made by the owner or owners of the privateer, to the officers and crew thereof.*

Proviso.

*SEC. 3. That for the selling prize property and receiving and paying over the proceeds as aforesaid, the marshal shall be entitled to a commission of one per cent., and no more, first deducting all duties, costs and charges, which may have accrued on said property: Provided, That no*



case of condemnation and sale of any one prize vessel and cargo, shall the commissions of the marshal exceed two hundred and fifty dollars.

SEC. 4. That it shall be the duty of the marshal, within fifteen days after any sale of prize property, to file in the office of the clerk of the district court of the district wherein such sale may be made, a just and true account of the sales of such prize property, and of all duties and charges thereon, together with a statement thereto annexed of the promissory notes taken on account thereof, which account shall be verified by the oath of the said marshal; and if the said marshal shall wilfully neglect or refuse to file such account, he shall forfeit and pay the sum of five hundred dollars for each omission or refusal as aforesaid, to be recovered in an action of debt by any person interested in such sale, and suing for the said penalty, on account of the party or parties interested in the prize vessel or property sold as aforesaid, in any court having cognizance thereof.

Marshal to file account of the sales, and of all duties and charges, with a statement of the promissory notes taken.

The account to be verified by his oath.

Penalty for failure; how recoverable.

SEC. 5. That the owner or owners of any private armed vessel or vessels, or their agent or agents, may, at any time before a libel shall be filed against any captured vessel or her cargo, remove the same from any port into which such prize vessel or property may be first brought, to any other port in the Confederate States, to be designated at the time of the removal as aforesaid, subject to the same restrictions and complying with the same regulations with respect to the payment of duties which are provided by law in relation to other vessels arriving in port with cargoes subject to the payment of duties: *Provided*, That before such removal the said captured property shall not have been attached at the suit of any adverse claimant, or a claim against the same have been interposed in behalf of the Confederate States.

Removal of prize vessel or property from one port to another.

*Provide*.

APPROVED May 14, 1861.

CHAP. XIX.—*An Act to provide for the auditing of accounts of the Post-office Department.* May 16, 1861.

*The Congress of the Confederate States of America do enact, That* it shall be duty of the First Auditor of the Treasury to receive all accounts arising in the Post-office Department or relative thereto; to audit and settle the same and certify their balances to the Postmaster General: *Provided*, That if either the Postmaster General, or any person whose account shall be settled, be dissatisfied therewith, he may within twelve months appeal to the Comptroller of the Treasury, whose decision shall be final and conclusive. The said Auditor shall report to the Postmaster General, when required, the official forms of papers to be used by postmasters and other officers and agents of the department concerned in its receipts and payments, and the manner and form of keeping and stating its accounts. He shall keep and preserve all accounts, with the vouchers, after settlement. He shall promptly report to the Postmaster General all delinquencies of postmasters in paying over the proceeds of their offices. He shall close the accounts of the department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall register, charge and countersign all warrants upon the treasury for receipts and payments issued by the Postmaster General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the department as shall be assigned to him by the Secretary of the Treasury or the Postmaster General, and shall make to them, respective-

The First Auditor of the Treasury to audit the accounts in the Post-office Department.

Appeal allowed to the Comptroller of the Treasury.

Report by Auditor to the Postmaster General.

Auditor to keep accounts and vouchers, and to report delinquencies of postmasters.

To close accounts quarterly.

To register, charge and countersign warrants.

Other duties.

To state and certify quarterly, accounts of the moneys paid. ly, such reports as either of them may require respecting the same. He shall state and certify quarterly to the Postmaster General accounts of the moneys paid pursuant to appropriations, in each year, by postmasters, out of the proceeds of their offices, towards the expenses of the department, under each of the heads of the said expenses specified in the appropriations; upon which the Postmaster General shall issue warrants to the Treasurer of the Confederate States, in order that the same may be carried to the credit and debit of the appropriation for the service of the Post-office Department, on the books of the Auditor of the Treasury. He shall superintend the collection of all debts due to the department, and all penalties and forfeitures imposed on postmasters for failing to make returns, or to pay over the proceeds of their offices, and he shall direct suits and legal proceedings, and take all such measures as may be authorized by law to enforce the prompt payment of moneys due to the department.

To superintend the collection of debts, penalties and forfeitures, and direct suits, etc.

To have charge of lands and other property assigned, etc., to the C. S.; and to sell land disposed of the same.

SEC. 2. *And be it further enacted*, That the said Auditor shall have charge of all lands and other property which shall be assigned, set off or conveyed to the Confederate States in payment of debts, and of all trusts created for the use of the Confederate States in payment of debts due them on account of the Post-office Department; and to sell and dispose of lands or other property assigned or set off to the Confederate States in payment of debts, or being vested in them by mortgage or other security for the payment of debts due to the said department, under such rules and regulations as may be prescribed by the Postmaster General.

Clerks to be appointed to aid the Auditor; their salaries.

SEC. 3. The Secretary of the Treasury shall appoint a chief clerk to aid the First Auditor of the Treasury in auditing the accounts of the Post-office Department, who shall receive a salary of two thousand dollars per annum; and shall appoint fifteen additional clerks, with salaries of twelve hundred dollars each, and fourteen other clerks, with salaries of one thousand dollars each, to aid the First Auditor of the Treasury in auditing the accounts of the Post-office Department. And he shall appoint one messenger for the Treasury Department, who shall be allowed a salary of five hundred dollars per annum.

Messenger for Treasury Department.

Auditor may send communications relating to post-office business free of charge.

SEC. 4. *Be it further enacted*, That the said Auditor of the Treasury shall be allowed to send through the mail all communications, relating exclusively to the post-office business, free of charge, under the same rules, regulations and restrictions, and subject to the same penalties as are now prescribed with respect to transmission free of charge by the heads of bureaus of the Post-office Department. And this act shall go into effect from and after its passage.

Commencement of act.

APPROVED May 16, 1861.

May 16, 1861.

CHAP. XX.—*An Act to increase the Military establishment of the Confederate States, and to amend the "Act for the establishment and organization of the Army of the Confederate States of America."*

Increase of military establishment.

*The Congress of the Confederate States of America do enact*, That the President shall be authorized to raise and organize, in addition to the present military establishment, one regiment of cavalry and two regiments of infantry, whenever in his judgment the public service may require such an increase, to be organized in accordance with existing laws for the organization of cavalry and infantry regiments, and to be entitled to the same pay and allowances provided for the same respectively.

SEC. 2. That the five general officers provided by existing laws for the Confederate States, shall have the rank and denomination of "General," instead of "Brigadier General," which shall be the highest military grade known to the Confederate States. They shall be assigned to such commands and duties as the President may specially direct, and shall be entitled to the same pay and allowances as are provided for brigadier generals, and to two aids-de-camp, to be selected as now provided by law. Appointments to the rank of general, after the army is organized, shall be made by selection from the army.

Rank of "General" established as the highest military grade.

Assignment of general officers to commands. Their pay and allowances.

Aids-de camp. Appointments to the rank of general.

Increase of the corps of engineers.

SEC. 3. That the President be authorized, whenever in his judgment the public service may require the increase, to add to the corps of engineers one lieutenant colonel, who shall receive the pay and allowances of a lieutenant colonel of cavalry, and as many captains, not exceeding five, as may be necessary.

SEC. 4. That there be added to the quartermaster general's department one assistant quartermaster general, with the rank of lieutenant colonel, and two quartermasters, with the rank of major; and to the commissary general's department, one assistant commissary, with the rank of major, and one assistant commissary, with the rank of captain; and to the medical department, six surgeons and fourteen assistant surgeons.

Increase of Quartermaster General's department,

and of the medical department.

SEC. 5. That the President be authorized to appoint as many military storekeepers, with the pay and allowances of a first lieutenant of infantry, as the safe-keeping of the public property may require, not to exceed in all six storekeepers.

Military storekeepers, and their pay and allowances.

SEC. 6. That there be added to the military establishment one quartermaster sergeant for each regiment of cavalry and infantry, and one ordnance sergeant for each military post, each to receive the pay and allowances of a sergeant major, according to existing laws.

Quartermaster sergeant and ordnance sergeant added.

SEC. 7. That there may be enlisted for the medical department of the army, for the term already provided by law for other enlisted men, as many hospital stewards as the service may require, to be determined by the Secretary of War, under such regulations as he may prescribe, and who shall receive the pay and allowances of a sergeant major.

Hospital stewards. Their pay and allowances.

SEC. 8. That until a military school shall be established for the elementary instruction of officers for the army, the President shall be authorized to appoint cadets from the several states, in number proportioned to their representation in the House of Representatives, and ten in addition, to be selected by him at large from the Confederate States, who shall be attached to companies in service in any branch of the army, as supernumerary officers, with the rank of cadet, who shall receive the monthly pay of forty dollars, and be competent for promotion at such time and under such regulations as may be prescribed by the President, or hereafter established by law.

State cadets to be attached to companies, as supernumerary officers, with the rank of cadet.

Monthly pay. Competency for promotion.

SEC. 9. That the President be authorized to assign officers of the army of the Confederate States to staff duty with volunteers or provisional troops, and to confer upon them, whilst so employed, the rank corresponding to the staff duties they are to perform.

Assignment of officers to staff duty.

SEC. 10. There shall be allowed and paid to every able-bodied man who shall be duly enlisted to serve in the army of the Confederate States, a bounty of ten dollars; but the payment of five dollars of the said bounty shall be deferred until the recruit shall have been mustered into the regiment into which he is to serve.

Bounties to enlisted men.

SEC. 11. That the provision of the third section of the act of the Congress of the United States, making appropriations for the legislative, executive and judicial expenses of the government for the year ending the thirtieth day of June, A. D., eighteen hundred and sixty-one, and

Act of the Congress of the U. S. prohibiting the purchase of arms and military sup-



plies of a patented invention, ele... suspended during the war.

proved June twenty-third, eighteen hundred and sixty, which declares that no arms nor military supplies whatever, which are of a patented invention, shall be purchased, nor the right of using or applying any patented invention, unless the same shall be authorized by law, and the appropriation therefor explicitly set forth, that it is for such patented invention, (if of force within the Confederate States,) shall be suspended in its operation for and during the existing war.

APPROVED May 16, 1861.

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May 16, 1861. CHAP. XXI.—*An Act to provide a compensation for the Disbursing Officers of the several Executive Departments.*

Disbursi gelerk for each of the de-  
partments.

His com...a-  
tion.

*The Congress of the Confederate States of America do enact, That the Secretaries of the State, Treasury, War and Navy Departments, and of the Department of Justice, and of the Post-office Department, shall appoint one of their clerks as a disbursing clerk; and such clerk shall be allowed, in addition to his compensation as clerk, the additional sum of two hundred dollars per annum, for disbursing the funds of said departments which may be required to pass through their hands. And that all laws and parts of laws now in force relating to this subject, be repealed; and that this act take effect and be of force from and after its passage.*

APPROVED May 16, 1861.

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May 16, 1861. CHAP. XXII.—*An Act to amend an act entitled "An act to provide for the appointment of Chaplains to the Army," approved May third, eighteen hundred and sixty one.*

Pay of chaplains reduced.

*The Congress of the Confederate States of America do enact, That so much of the second section of the above recited act, as fixes the pay of chaplains in the army at eighty-five dollars, be repealed, and that the pay of said chaplains be fifty dollars per month.*

APPROVED May 16, 1861.

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May 16, 1861. CHAP. XXIII.—*An Act to authorize the President to continue the Appointments made by him in the Military and Naval Service during the recess of Congress or the present session, and to submit them to Congress at its next session.*

President author-  
ized to continue ap-  
pointments made  
by him in the mili-  
tary and naval ser-  
vice.

*The Congress of the Confederate States of America do enact, That the President be authorized to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session.*

APPROVED May 16, 1861.

CHAP. XXIV.--An Act to authorize a loan and the issue of Treasury Notes; and to prescribe the punishment for forging the same, and for forging Certificates of Stock, and Bonds. May 16, 1861.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Treasury may, with the assent of the President of the Confederate States, issue fifty millions of dollars in bonds, payable at the expiration of twenty years from their date, and bearing a rate of interest not exceeding eight per cent. per annum until they become payable, the said interest to be paid semi-annually. The said bonds, after public advertisement in three newspapers within the Confederate States for six weeks, to be sold for specie, military stores, or for the proceeds of sales of raw produce or manufactured articles, to be paid in the form of specie or with foreign bills of exchange, in such manner and under such regulations as may be prescribed by the Secretary of the Treasury, with the assent of the President. But it shall be the duty of the Secretary of the Treasury to report, at its next ensuing session, to the Congress of the Confederate States, a precise statement of his transactions under this law. Nor shall the said bonds be issued in fractional parts of the hundred, or be exchanged by the said Secretary for treasury notes, or the notes of any bank, corporation or individual, but only in the manner herein prescribed: *Provided*, That nothing herein contained shall be so construed as to prevent the Secretary of the Treasury from receiving foreign bills of exchange in payment of these bonds.

SEC. 2. *And be it further enacted*, That in lieu of bonds, to an amount not exceeding twenty millions of dollars, the Secretary of the Treasury, with the assent of the President, may issue treasury notes to the same amount, without interest, and in denominations of not less than five dollars—the said notes to be receivable in payment of all debts or taxes due to the Confederate States, except the export duty on cotton, or in exchange, for the bonds herein authorized to be issued. The said notes shall be payable at the end of two years from the date of their issue, in specie. The holders of the said notes may at any time demand in exchange for them bonds of the Confederate States, payable at the end of ten years, and bearing an interest of eight per centum per annum, to be paid semi-annually. The Secretary of the Treasury is hereby authorized to issue the said bonds, but not in fractional parts of the hundred. But if after the expiration of two years, when the treasury notes shall be due, the Secretary of the Treasury shall advertise that he will pay the same, then the privilege of funding shall cease after six months from the date of the advertisement, unless there shall be a failure to pay the same on their presentation.

SEC. 3. *And be it further enacted*, That in lieu of the notes authorized by this act, which may be redeemed, other notes may be issued within the period of ten years as aforesaid: *Provided*, however, That the amount of such notes outstanding, together with the stock in which the said treasury notes may have been funded under the provisions of this act, shall not exceed the sum of twenty millions of dollars. But the Secretary of the Treasury may, upon application of the holder of a bond thus funded, redeem it by giving in exchange treasury notes issued under the provisions of this act, to such extent as that the entire amount of notes then issued, together with the amount of the bonds in which they may have been funded, shall not exceed twenty millions of dollars.

SEC. 4. *And be it further enacted*, That the faith of the Confederate States is hereby pledged to provide and establish sufficient revenues for the regular payment of the interest, and for the redemption of the said stock and treasury notes. And the principal sum borrowed under the provisions of this act and the interest thereon, as the same shall from

Secretary of the Treasury authorized to issue fifty millions of dollars in bonds. When payable, and rate of interest.  
Sale of bonds for specie, &c.

Secretary to report his transactions to Congress.

Denomination of bonds.

Proviso.

Secretary of the Treasury may issue treasury notes without interest in lieu of bonds, to the amount of twenty millions of dollars.

Denomination. The notes receivable in payment of debts or taxes, except, &c.

Exchange of the bonds of the Confederate States.

When the privilege of funding to cease.

Other notes may be issued in lieu of notes redeemed.  
Proviso.

Treasury notes given in exchange for bonds that are funded.

Faith of the C. S. pledged for the payment of the interest and redemption of the stock and notes.

To be paid out of any money in the treasury, time to time become due and payable, shall be paid out of any money in the treasury not otherwise appropriated.

Penalties, &c., of the act of 9th March, 1861, authorizing the issue of treasury notes, considered as a part of this act.

SEC. 5. *And be it further enacted*, That this act shall be deemed to contain all the provisions, limitations and penalties of the act entitled an act to authorize the issue of treasury notes, and to prescribe the punishment for forging the same, and for forging certificates of stocks, bonds, or coupons, and approved March ninth, eighteen hundred and sixty-one, which shall be considered as parts of this act, save the first, second and tenth sections, and save so much as relates to interest upon treasury notes.

Secretary of the Treasury to collect information as to the value of property, &c., in the States, with the view to direct taxation. To make report to Congress.

SEC. 6. *And be it further enacted*, That for the purpose of raising ten millions of dollars within the present calendar year, and of providing for the ultimate redemption of the debt herein authorized to be contracted, the Secretary of the Treasury is hereby directed to collect information in regard to the value of the property, the revenue system, and the amount collected during the last fiscal year in each of the Confederate States, and to report the same to Congress at its next session, so as to enable it to lay a fair, equal and convenient system of internal taxation, for the purpose of securing the payment of the interest and principal of the debt hereby authorized to be created, in such manner as may fully discharge the obligation herein contracted by the pledge of the faith of the Confederate States to pay the principal and interest of the said debt when due.

Payment by State into the Treasury in anticipation of the tax.

SEC. 7. *And be it further enacted*, That any State may pay into the treasury, in anticipation of the tax aforesaid, any sum not less than one hundred thousand dollars, in specie or its equivalent; and if the same be paid on or before the first day of July next, the said State shall be allowed to set off the same with ten per cent. additional from the quota to be assessed upon the said State.

APPROVED May 16, 1861.

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May 17, 1861. CHAP. XXV.—*An Act to admit the State of North Carolina into the Confederacy, on a certain condition.*

Preamble. The State of North Carolina having adopted measures looking to an early withdrawal from the United States, and to becoming in the future a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore—

Admission of the State of North Carolina upon the condition, &c.

*The Congress of the Confederate States of America do enact*, That the State of North Carolina shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the convention of said State soon to assemble shall adopt and ratify said Constitution for the Provisional Government of the Confederate States, and shall transmit to the President of the Confederate States, before the reassembling of Congress, through the Governor of said State, or some other proper organ, an authentic copy of the act or ordinance of said convention so adopting and ratifying said Provisional Constitution; upon the receipt whereof the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State into this Confederacy, under said Constitution for the Provisional Government, shall be considered as complete, and the laws of this Confederacy shall thereby be

Proclamation by President.



extended over said State as fully and completely as over the other States now composing the same.

APPROVED May 17, 1861.

CHAP. XXVI.—*An Act to admit the State of Tennessee into the Confederacy, on a certain condition.* May 17, 1861.

The State of Tennessee having adopted measures looking to an early withdrawal from the United States, and to becoming, in the future, a member of this Confederacy, which measures may not be consummated before the approaching recess of Congress: Therefore—

Preamble.

*The Congress of the Confederate States of America do enact*, That the State of Tennessee shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same: upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State; and the Governor of said state shall transmit to the President of the Confederate States, before the reassembling of Congress, after the recess aforesaid, an authentic copy of the proceedings touching said adoption and ratification by said state of said Provisional Constitution; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceeding on the part of Congress, the admission of said State of Tennessee into the Confederacy, under said Constitution for the Provisional Government of the Confederate States, shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State, as fully and completely as over the other States now composing the same.

Admission of the State of Tennessee upon the condition, &c.

Proclamation by President.

APPROVED May 17, 1861.

CHAP. XXVII.—*An Act to establish a mail route from Vermillionville, in the State of Louisiana, to Orange, in the State of Texas, and for other purposes.* May 17, 1861.

*The Congress of the Confederate States of America do enact*, That the following mail route be and the same is hereby established, to-wit: From Vermillionville, in the State of Louisiana, to Orange, in the State of Texas.

Mail route established from Vermillionville to Orange.

SEC. 2. *And be it further enacted*, That the Postmaster General be and he is hereby authorized to make the first contract for carrying the mail over said route without the necessity of advertising for bids for said contract as required by existing law; and that this act take effect and be in force from and after its passage.

Contract for carrying the mail over said route.

APPROVED May 17, 1861.

CHAP. XXVIII.—*An Act to provide an additional company of sappers and bombardiers for the army.* May 17, 1861.

*The Congress of the Confederate States of America do enact*, That there be added to the military establishment of the Confederate States one company of sappers and bombardiers, to consist of one captain,

Company of sappers and bombardiers added to the

military establish-ment. two first lieutenants, one second lieutenant, ten sergeants or master workmen, ten corporals or overseers, two musicians, thirty-nine privates of the first class, and thirty-nine privates of the second class, who shall be instructed in and perform all the duties of sappers and bombardiers, and shall, moreover, under the orders of the chief engineer, be liable to serve by detachments in overseeing and aiding laborers upon fortifications or other works under the engineer department, and in supervising finished fortifications, as fort-keepers, preventing injury and making repairs.

Vehicles, arms, pontons, &c., for the service of said company. SEC. 2. That it shall be the duty of the colonel of the engineer corps, subject to the approval of the Secretary of War, to prescribe the number, quantity, form, dimensions, etc., of the necessary vehicles, arms, pontons, tools, implements, and other supplies for the service of said company as a body of sappers and bombardiers.

Monthly pay of officers and privates. SEC. 3. That the monthly pay of the captain of said company shall be one hundred and forty dollars; of each first lieutenant, one hundred dollars; of the second lieutenant, ninety dollars; of the sergeants, thirty-four dollars; of the corporals, twenty dollars; of the musicians, thirteen dollars; of the first class privates, seventeen dollars; and of the second class privates, thirteen dollars. And the said commissioned officers shall be entitled to the same allowances as all other commissioned officers of the army, and the same right to draw forage for horses as is accorded to officers of like rank in the engineer corps; and the enlisted men shall receive the same rations and allowances as are granted to all other enlisted men in the army.

Allowances to the commissioned officers and forage. Rations and allowances for the enlisted men.

APPROVED May 17, 1861.

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May 20, 1861. CHAP. XXIX.—*An Act to authorize the extension of the mail service of the Confederate States in certain cases and upon certain conditions.*

Extension of mail service over the States and territories. *The Congress of the Confederate States of America do enact, That the Postmaster General be and he is hereby authorized, to extend the mail service of the Confederate States over all such states and territories as shall, by their legislative or executive authority, request the same to be done, between this and the meeting of the next session of the Congress; and that this act take effect and be in force from and after its passage.*

APPROVED May 20, 1861.

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May 21, 1861. CHAP. XXX.—*An Act to admit the State of Arkansas into the Confederacy*

Admission of the State of Arkansas. *The people of the State of Arkansas, in sovereign convention, having passed an ordinance dissolving their political connection with the United States, and another ordinance adopting and ratifying the Constitution for the Provisional Government of the Confederate States of America: Therefore—*

*The Congress of the Confederate States of America do enact, That the State of Arkansas be and is hereby admitted into this Confederacy, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same.*

APPROVED May 20, 1861.

CHAP. XXXI.—*An Act amendatory of an act to provide for the organization of the navy.* May 20, 1861.

*The Congress of the Confederate States of America do enact, That* from and after the passage of this act, the corps of marines shall consist of one colonel, one lieutenant colonel, one major, one quartermaster with the rank of major, one paymaster with the rank of major, one adjutant, with the rank of major, one sergeant major, one quartermaster sergeant, ten captains, ten first lieutenants, twenty second lieutenants, forty sergeants, forty corporals, and eight hundred and forty privates, ten drummers, and ten fifers and two musicians. Corps of marines.

SEC. 2. The pay and emoluments of the officers and enlisted men shall be the same as that of the officers and enlisted men of like grade in the infantry of the army, except that the paymaster and the adjutant shall receive the same pay as the quartermaster, and the adjutant shall be taken from the captains and subalterns of the corps, and separated from the line. The rations of enlisted marines shall be the rations allowed by law to seamen. All acts inconsistent with the provisions of this act are hereby repealed. Pay and emoluments of the officers and enlisted men. Rations of enlisted marines.

APPROVED May 20, 1861.

CHAP. XXXII.—*An Act to amend an act to provide for the organization of the navy,* approved March sixteenth, eighteen hundred and sixty one. May 20, 1861.

*The Congress of the Confederate States of America do enact, That* the President be and he is hereby authorized to nominate, and by and with the advice and consent of Congress to appoint, all officers of the navy of the United States, who have resigned or may hereafter resign their commissions on account of the secession of any or all of the Confederate States, and who may be fit for active service, to the same rank and position in the navy of the Confederate States which they held in that of the United States; *Provided, however,* That no officer shall be so appointed who may at any time have committed any act of hostility against the Confederate States or any one thereof. Appointment of officers of the navy of the U. S. to the same rank and position in the navy of the C. S. Proviso.

SEC. 2. That the President be authorized to assign officers of the navy to any duty connected with the defence of the country, and suitable to their rank, which he may deem proper. Assignment of officers of the navy to duty.

SEC. 3. That the President be authorized to appoint six assistant paymasters of the navy, each to receive a salary of one thousand dollars when employed at sea, and seven hundred dollars when not thus employed; and all paymasters of the navy shall be taken from the grade of assistant paymasters. Assistant paymasters of the navy; their salaries. Paymasters to be taken from the grade of assistant paymasters.

APPROVED May 20, 1861.

CHAP. XXXIII.—*An Act to establish a separate Port of Entry at Sabine Pass, in the County of Jefferson, in the State of Texas, and to provide for the appointment of a Collector therein.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* all that part of the collection district for the District of Texas included in the county of Jefferson in the State of Texas, embracing all the waters, islands, bays, harbors, inlets, shores and rivers in the same, shall be a collection district, to be called the District of Sabine Pass, and Sabine Pass shall be the port of entry for said district. Collection District of Sabine Pass established in the State of Texas. Sabine Pass the port of entry for said district.

SEC. 2. A collector for the said district of Sabine Pass shall be appointed by the President, with the advice and consent of Congress, Appointment of collector for said



district. Where to reside; term of office, and salary. who shall reside at Sabine Pass, and hold his office for the terms and the time prescribed by law for the like office in other districts, and who shall be entitled to a salary not exceeding seventeen hundred and fifty dollars

Excess of fees per annum, including in that sum the fees allowed by law; and the amount he shall collect in any one year for fees, exceeding the said sum of seventeen hundred and fifty dollars, shall be accounted for and paid into the treasury of the Confederate States of America.

Laws contravening this act repealed. SEC. 3. That all laws and parts of laws now in force, contravening the provisions of this act, be and the same are hereby repealed, and that this act take effect from and after its passage.

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XXXIV.—*An Act to put in operation the Government under the Permanent Constitution of the Confederate States of America.*

Election of members of the House of Representatives in the Congress of the C. S. under the Permanent Constitution.

*The Congress of the Confederate States of America do enact, That* an election shall be held in the several states of this Confederacy, on the first Wednesday in November, eighteen hundred and sixty-one, for members of the House of Representatives in the Congress of the Confederate States under the permanent Constitution, which election shall be conducted in all respects according to said Constitution and the laws of the several states in force for that purpose; and in states which may not have provided by law for such election, according to the laws heretofore existing in such states for the election of members of the House of Representatives in the Congress of the United States. And on the same day the several States shall elect or appoint Electors for President and Vice President of the Confederate States of America, according to said Constitution, and in the manner prescribed by the laws of the several States made for that purpose; and in states where no such laws may exist, according to the laws heretofore in force in such states for the election or appointment of Electors for President and Vice President of the United States.

Election of President and Vice President.

When electors to meet and cast their votes; to make out lists, certify and forward the same.

SEC. 2. The Electors for President and Vice President shall meet in their respective states on the first Wednesday in December, eighteen hundred and sixty-one, and proceed to vote for President and Vice President, and make out lists, certify the same, and forward the same to the President of the Senate; all as directed by the said Constitution in that behalf.

When members of the Senate and House of Representatives to assemble at the seat of government.

Election of a Speaker of the House, and President of the Senate, *pro tempore*.

Opening of certificates and counting of votes

SEC. 3. The members of the House of Representatives so elected, and the Senators who may be elected by the several States according to the provision of said Constitution, shall assemble at the seat of government of the Confederate States, on the eighteenth day of February, eighteen hundred and sixty-two; and the said members of the House of Representatives shall proceed to organize by the election of a Speaker, and the Senators by the election of a President of the Senate for the time being; and the President of the Senate shall, on the nineteenth day of February, eighteen hundred and sixty-two, open all the certificates; and the votes for President and Vice President shall then be counted, as directed by said Constitution.

Inauguration of President.

SEC. 4. The President of the Confederate States shall be inaugurated on the twenty-second day of February, eighteen hundred and sixty-two.

Number of representatives to which the States of Virginia, North Carolina, Tennessee and

SEC. 5. *Be it further enacted,* That in case the State of Virginia shall adopt and ratify the Constitution for the permanent government of the Confederate States of America before the elections in this act provided for, she shall be entitled to elect sixteen members to the House of

Representatives; and the State of North Carolina, in like case, ten members; the State of Tennessee, in like case, eleven; and the State of Arkansas, in like case, four members; the same being upon the basis of one member for every ninety thousand representative population, and one additional member for a fraction over one-half of the ratio aforesaid, in each of said States, under the census of the United States taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original States in said Constitution for permanent government.

SEC. 6. *Be it further enacted*, That the same rules and principles shall be observed as to the number of Presidential Electors in the States aforesaid as in the other seven original States.

APPROVED May 21, 1861.

CHAP. XXXV.—*An Act making appropriations in addition to those already made for the military service of the Confederate States of America, for the fiscal year ending the eighteenth day of February, one thousand eight hundred and sixty-two.*

May 21, 1861.

*The Congress of the Confederate States of America do enact*, That there be appropriated for the pay of the officers and privates of one hundred regiments of infantry, and for quartermaster's supplies of all kinds for the same, and transportation, including horses, wagons, harness, ambulances, and other necessary expenses, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two, twenty-seven millions nine hundred and thirty-two thousand, four hundred and ninety-three dollars and twelve cents.

SEC. 2. That there be appropriated for the pay, quartermaster's supplies of all kinds, transportation and other necessary expenses for one regiment of legionary formation, composed of one company of artillery, four companies of cavalry, and six companies of voltigeurs, five hundred and fifty thousand four hundred and eighty-five dollars.

SEC. 3. That there be appropriated for the purchase of subsistence stores and commissary property for one hundred thousand troops, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two, five millions four hundred and sixty-four thousand, two hundred and fifty-eight dollars and eighty cents.

SEC. 4. That there be appropriated for the ordnance service, for the fiscal year ending the eighteenth of February, one thousand eight hundred and sixty-two—for the preservation of public buildings, quarters, barracks, etc., at the arsenals, armories, and depots; for the repairs and preservation of ordnance stores; for the pay of clerks, draughtsmen, colorers, superintendents, overseers, etc.; for the purchase of horses, mules, forage, stationery, and contingencies of ordnance service; for the purchase of heavy ordnance and carriages, with shot and shell for the same; for sixteen field batteries of six pieces each, with harness, implements and ammunition; for fifty thousand stands of small arms; for five thousand pistols and holsters; for sabres, swords, carbines and pistols; for five thousand sets of cavalry equipments; for five thousand sets of cavalry accoutrements, for one hundred thousand sets infantry accoutrements, knapsacks, haversacks and canteens; for two and one-half million pounds powder; for materials for the same; for lead, copper, and materials for percussion caps and for friction tubes; for additional shops and storehouses at Mount Vernon Arsenal, Alabama, and Augusta Arsenal, Georgia; for machinery, steam engine and tools; for cap machine; for bullet machine; for repairs of buildings and machines at Harper's Ferry—four millions four hundred and forty thousand dollars.

Arkansas shall be respectively entitled.

Basis of representation.

Rules as to number of Presidential Electors in said States.

Appropriations.

For pay of officers and privates of one hundred regiments of infantry, and for quartermaster's supplies, &c.

For the pay, &c., of one regiment of legionary formation.

For the purchase of subsistence and commissary property.

For the ordnance service, preservation of public buildings at the arsenals, armories and depots, and of ordnance stores, &c.

For medical and hospital supplies.

SEC. 5. That there be appropriated for medical and hospital supplies, for the year ending eighteenth of February, one thousand eight hundred and sixty-two, the sum of three hundred and fifty thousand dollars.

For the contingent service of the War Department.

SEC. 6. That there be appropriated for the contingent service of the War Department, for the year ending the eighteenth of February, one thousand eight hundred and sixty-two, the sum of three hundred thousand dollars.

For contingent expenses of the Adjutant and Inspector General's Department.

SEC. 7. That there be appropriated for contingent expenses of the Adjutant and Inspectors General's Department, including office furniture, stationery, printed blanks for the use of the army, record books, postage, telegraphic despatches, etc., for the year ending the eighteenth February, one thousand eight hundred and sixty-two, the sum of eight thousand dollars.

For the pay of surgeons, assistant surgeons and chaplains.

SEC. 8. That there be appropriated for the pay of surgeons, assistant surgeons, and chaplains, for the year ending the eighteenth day of February, one thousand eight hundred and sixty-two, the sum of three hundred and twenty-nine thousand nine hundred and one dollars.

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XXXVI.—*An Act to amend an act relative to telegraphic lines of the Confederate States, approved May, one thousand eight hundred and sixty-one.*

Compensation to agents of telegraph companies charged by the President with special duties.

*The Congress of the Confederate States of America do enact, That the sixth section of the "act relative to telegraph-lines of the Confederate States," be and the same is hereby so amended as to authorize the President to allow such compensation as may be reasonable and proper, in addition to what may be allowed by the telegraph companies, to such of the agents of said companies as he may charge with special and important duties, where such agents are deemed trustworthy and acceptable both to him and the companies concerned.*

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XXXVII.—*An Act making appropriations for the Legislative and Executive expenses of government for the year ending eighteenth of February, eighteen hundred and sixty-two.*

Appropriations for the year ending February 18, 1862.

*The Congress of the Confederate States of America do enact, That the following sums be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two:*

Legislative.

*Legislative*—For compensation and mileage of members of Congress, twenty-five thousand dollars. For compensation of officers of Congress, six thousand dollars. For contingent expenses of Congress, including printing, five thousand dollars.

Department of State.

*Department of State*—For compensation of two additional clerks, two thousand dollars. For the publication and printing of acts and resolutions of Congress, twenty-two thousand five hundred dollars. For necessities and exigencies under laws already passed, or which may be passed, or from causes which now exist or may hereafter arise, and unforeseen emergencies, forty thousand dollars—to replace same amount in State Department.

Treasury Department.

*Treasury Department*—For this amount to pay interest on loan of February twenty-eight, eighteen hundred and sixty-one, five hundred



thousand dollars. For additional expenses under the act "to raise money for the support of the government, and to provide for the defence of the Confederate States of America," approved February twenty-eight, eighteen hundred and sixty-one, thirty thousand dollars. For incidental and contingent expenses of the Treasury Department, twenty thousand dollars.

*Miscellaneous*—For compensation of two watchmen to guard the executive buildings, at four hundred dollars each, and for lighting the same, sixteen hundred dollars. For rent of executive building corner of Bibb and Commerce street, three thousand dollars. For rent of executive building on Bibb street, between Coosa and Commerce street, two thousand dollars. For rent of building of Noble & Brother and others, three thousand dollars. For furniture for executive mansion, nine hundred and eighty-seven dollars and fifty-eight cents. For furniture of executive offices and halls, six hundred and twenty-seven dollars and twenty-one cents. For work done on executive buildings by order of committee of Congress, six hundred and thirty-five dollars and fifty-two cents.

Miscellaneous.

APPROVED May 21, 1861.

CHAP. XXXVIII.—An Act to provide for certain deficiencies in the appropriations for the Post-office Department for the year ending February eighteenth, eighteen hundred and sixty-one.

May 21, 1861.

The Congress of the Confederate States of America do enact, That the following sums shall be and are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the service of the post-office department, for the year ending February eighteenth, eighteen hundred and sixty-two: For increased compensation of the chiefs of the contract, appointment and finance bureaus, one thousand one hundred and six dollars and one cent. For compensation of disbursing clerk, one hundred and forty-seven dollars and forty-seven cents. For compensation of watchmen, three hundred and sixty-eight dollars and sixty-seven cents. For compensation of four principal clerks, at fourteen hundred dollars each, four thousand and thirty-six dollars and eighty cents. For compensation of ten clerks, at twelve hundred dollars each, eight thousand seven hundred and forty-nine dollars and twenty cents. For compensation of four clerks at one thousand dollars, two thousand nine hundred and sixteen dollars and forty cents. To supply deficiency in the appropriation for the compensation of the postmaster general, clerks and messengers in his office, made by the act approved ninth day of March, eighteen hundred and sixty-one, and entitled "an act further to provide for the organization of the Post-office Department," ten thousand dollars. For the compensation of agents, and for cost of materials, and constructing, repairing, and operating telegraph lines, and for other expenses which may be incurred under said act, thirty thousand dollars: *Provided*, That the Postmaster General is hereby authorized, with the approval of the President, to employ officers of the telegraph companies as agents to perform the services specified in the act entitled "an act relative to telegraph lines of the Confederate States," approved eleventh day of May, eighteen hundred and sixty-one. But the compensation allowed to such agents shall in no case exceed that provided for other agents by said act, and shall be fixed by the Postmaster General, with the approbation of the President.

Appropriations for the service of the post-office department for the year ending February 18, 1861.

Chiefs of Bureau.  
Disbursing clerk.

Watchmen.  
Principal clerks.

Other clerks.

To supply deficiencies.

Telegraph lines and agents.

Proviso.

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XXXIX.—*An Act concerning the transportation of soldiers, and allowance for clothing of volunteers, and amendatory of the act for the establishment and organization of the army of the Confederate States.*

When discharged soldiers entitle to mileage.

*The Congress of the Confederate States of America do enact, When transportation cannot be furnished in kind, the discharged soldier shall be entitled to receive ten cents per mile in lieu of all traveling pay, subsistence, forage, and undrawn clothing, from the place of discharge to the place of his enlistment or enrollment, estimating the distance by the shortest mail route, and if there is no mail route, by the shortest practicable route. The foregoing to apply to all officers, non-commissioned officers, musicians, artificers, farriers, blacksmiths and privates of volunteers, when disbanded, discharged, or mustered out of service of the Confederate States; and it shall also apply to all volunteer troops, as above designated, when travelling from the place of enrollment to the place of general rendezvous or point where mustered into service: Provided, That nothing herein contained shall be so construed as to deprive the mounted volunteers of the allowance of forty cents a day for the use and risk of his horse, which allowance is made from the date of his enrollment to the date of his discharge, and also for every twenty miles travel from the place of his discharge to the place of his enrollment.*

Proviso.

Act of March 6, 1861, ch. 26, sec. 4, amended.

Allowance of money to volunteers in lieu of clothing for six months.

SEC. 2. That the fourth section of the act of March sixth, eighteen hundred and sixty-one. "to provide for the public defence," be amended as follows, viz.: there shall be allowed to each volunteer, to be paid to him on the first muster and pay rolls after being received and mustered into the service of the Confederate States, the sum of twenty-one dollars, in lieu of clothing for six months; and thereafter the same allowance in money at every subsequent period of service for six months in lieu of clothing: *Provided*, That the price of all clothing in kind received by said volunteers from the Confederate States government shall be deducted first from the money thus allowed; and if that sum be not sufficient, the balance shall be charged for stoppage on the muster and pay rolls; and that all accounts arising from contracts, agreements, or arrangements for furnishing clothing to volunteers, to be duly certified by the company commander, shall be paid out of the said semi-annual allowance of money.

Proviso.

Act of March 6, 1861, ch. 29, § 21, amended so as to allow to aids-de-camp and adjutants forage for horses.

SEC. 3. That the twenty-first section of the act for the organization of the army of the Confederate States be so amended as to allow to aids-de-camp and to adjutants, forage for the same number of horses as allowed to officers of the same grade in the mounted service.

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XL.—*An Act to be entitled an act to amend "An act to raise an additional military force to serve during the war."*

Act of May 8, 1861, ch. 5, § 2, amended.

When subaltern of the line may be assigned to the duties of adjutant.

*The Congress of the Confederate States of America do enact, That so much of the second section of the act entitled an act to raise an additional military force to serve during the war, passed May eighth, eighteen hundred and sixty-one, be so amended as to authorize the President, on the application of any commanding officer of a regiment or battalion authorized by said act, to assign a subaltern of the line of the army to the duties of adjutant of said regiment or battalion.*

APPROVED May 21, 1861.

CHAP. XLI.—*An Act to authorize the President to confer temporary rank and command, for service with volunteer troops, on officers of the Confederate army.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* Conferring of the President shall be authorized to confer temporary rank and command, temporary rank for service with volunteers troops, on officers of the Confederate army; and command on the same to be held without prejudice to their positions in said army, officers of the Confederate army. for and to have effect only to the extent and according to the assignment service with volunteer troops made in general order.

APPROVED May 21, 1861.

CHAP. XLII.—*An Act to provide for the incidental expenses of the public service within the Indian Tribes.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* Appropriation to the sum of one hundred thousand dollars be and the same is hereby meet the incidental appropriated, out of any money in the treasury not otherwise appropriate, to meet the incidental expenses of the public service within the Indian tribes, for the year ending February the eighteenth, eighteen hundred and sixty-two. But a particular and specific account of the expenditures under this act shall be made and reported to Congress at its next session after the expiration of the period herein named. expenses of the public service within the Indian tribes for the year ending February 18, 1862.

APPROVED May 21, 1861.

CHAP. XLIII.—*An Act to divide the State of Texas into two Judicial Districts, and provide for the appointment of Judges and officers in the same.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* The State of the State of Texas be and the same is hereby divided into two judicial Texas divided into districts, in the following manner, to-wit: all the territory of the State of Texas within and west of the following named counties shall compose two judicial districts. one district, to be called the Western District, to-wit: Matagorda, Wharton, Colorado, Fayette, Washington, Burleson, Milan, Falls, McLellan, Hill, Johnson, Tarrant, Wise, Montague; and all the territory east of said counties shall constitute the Eastern District of Texas.

SEC. 2. There shall be appointed a judge and marshal for said Western District. The said judge shall hold two terms each year of said Judge and marshal for western district. court, at the city of Austin, and at Brownsville, in the county of Cameron, at the times prescribed by the laws of the United States for the Terms of court. holding of the district courts of the United States, at said places.

SEC. 3. All the laws of the United States relative to the district Laws of the U. S. relative to district courts of Texas, and the powers and jurisdiction of the same, so far as they are consistent with the constitution and the laws of the Confederate States, are hereby re-enacted and continued in full force. S. continued in force.

APPROVED May 21, 1861.

CHAP. XLIV.—*An Act to provide revenue from commodities imported from from foreign countries.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* Duties imposed from and after the thirty-first day of August next, a duty shall be imposed on all goods, products, wares and merchandize imported from abroad on goods, &c., from and after the 31st into the Confederate States of America, as follows: of August, 1861.



## Classification.

On all articles enumerated in Schedule A, an ad valorem duty of twenty-five per centum. On all articles enumerated in schedule B, an ad valorem duty of twenty per centum. On all articles enumerated in schedule C, an ad valorem duty of fifteen per centum. On all articles enumerated in schedule D, an ad valorem duty of ten per centum. On all articles enumerated in schedule E, an ad valorem duty of five per centum. And that all articles enumerated in schedule F, a specific duty as therein named. And that all articles enumerated in schedule G, shall be exempt from duty, to-wit:

Schedule A, 25  
per cent.

## SCHEDULE A, (twenty-five per centum ad valorem.)

Alabaster and spar ornaments; anchovies, sardines and all other fish preserved in oil.

Brandy and other spirits distilled from grain or other materials, not otherwise provided for; billiard and bagatelle tables, and all other tables or boards on which games are played.

Composition tops for tables, or other articles of furniture; confectionary, comfits, sweetmeats, or fruits preserved in sugar, molasses, brandy or other liquors; cordials, absynthe, arrack, curacao, kirschenwesser, liquers, maraschino, ratafia, and other spirituous beverages of a similar character.

Glass, cut.

Manufacturers of cedar-wood, granadilla, ebony, mahogany, rosewood and satin-wood.

Scagliola tops, for tables or other articles of furniture; segars, snuff, paper segars, and all other manufactures of tobacco.

Wines—Burgundy, champagne, clarets, madeira, port, sherry, and all other wines or imitations of wines.

Schedule B, 20  
per cent.

## SCHEDULE B, (twenty per centum ad valorem.)

Almonds, raisins, currants, dates, figs, and all other dried or preserved fruits, not otherwise provided for; argentine, alabata, or German silver, manufactured or unmanufactured; articles embroidered with gold, silver or other metal, not otherwise provided for.

Balsams, cosmetics, essences, extracts, pastes, perfumes and tinctures, used for the toilet or for medicinal purposes; bay rum, beads of amber, composition or wax, and all other beads; bracelets, braids, chains, curls or ringlets composed of hair, or of which hair is a component part, not otherwise provided for; brooms and brushes of all kinds.

Camphor, refined; canes and sticks, for walking, finished or unfinished; capers, pickles, and sauces of all kinds, not otherwise provided for; card cases, pocket-books, shell boxes, souvenirs, and all similar articles, of whatever material composed, not otherwise provided for; compositions of glass, set or unset; coral, cut or manufactured.

Feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed; fans and fire screens of every description, of whatever material composed.

Grapes, plums, and prunes, and other such fruit, when put up in bottles, cases, or cans, not otherwise provided for.

Hair, human, cleansed or prepared for use.

Manufactures of gold, platina or silver, not otherwise provided for; manufactures of papier mache; molasses.

Paintings on glass; pepper, pimento, cloves, nutmegs, cinnamon, and all other spices; perfumes and perfumery, of all sorts, not otherwise provided for; plated and gilt ware of all kinds, not otherwise provided for;

playing cards; prepared vegetables, fruits, meats, poultry and game, sealed or enclosed in cans or otherwise.

Silver plated metals, in sheets or other form; soap, castile, perfumed, Windsor, and other toilet soaps; sugar of all kinds; syrup of sugar.

Epaulettes, galloons, laces, knots, stars, tassels, tresses, and wings of gold or silver, or imitations thereof.

SCHEDULE C, (fifteen per centum ad valorem.)

Schedule C, 20  
per cent.

Alum; arrow-root; articles of clothing or apparel, including hats, caps, gloves, shoes and boots of all kinds, worn by men, women or children, of whatever material composed, not otherwise provided for.

Baizes, blankets, hockings, flannels and floor-cloths, of whatever material composed, not otherwise provided for; baskets, and all other articles composed of grass, osier, palm-leaf, straw, whalebone or willow, not otherwise provided for; beer, ale and porter, in casks or bottles; bees-wax; berries and vegetables of all sorts used for food, not otherwise provided for; blue or roman vitriol, or sulphate of copper; bologna sausages; braces, suspenders, webbing, or other fabrics composed wholly or in part of Indian rubber, not otherwise provided for; breezia; burgundy pitch; buttons and button moulds of all kinds.

Cables and cordage, of whatever material made; cadmium; calamine; calomel and all other mercurial preparations; carbonate of soda; castor beans; castor oil; candles and tapers of spermaceti, stearine, paraffine, tallow or wax, and all other candles; caps, hats, muffs and tippets, and all other manufactures of fur, or of which fur shall be a component part; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, and all similar articles worn by men, women and children; and not otherwise provided for; carpets, carpeting, hearth-rugs, bed-sides, and other portions of carpeting, being either Aubusson, Brussels, ingrain, Saxony, Turkey, Venetian, Wilton, or any other similar fabric, not otherwise provided for; carriages and parts of carriages; castorum; chains, of all sorts; cider and other beverages not containing alcohol, and not otherwise provided for; chocolate; chromate of lead; chromate, bi-chromate, hydriodate, and prussiate of potash; clocks and parts of clocks; coach and harness furniture of all kinds; cobalt; combs of all kinds; copper bottoms; copper rods, bolts, nails and spikes; copper in sheets or plates, called brazier's copper, and other sheets of copper, not otherwise provided for; copperas, or green vitriol, or sulphate of iron; corks; cotton cords, gimps, and gallons; cotton laces, cotton insertings, cotton trimming, laces, cotton laces and braids; court plaster; coral, unmanufactured; crayons of all kinds; eubeds; cutlery of all kinds.

Delaines; dolls and toys of all kinds; dried pulp; drugs, medicinal.

Earthen, china, and stone ware, and all other wares composed of earthy and mineral substances not otherwise provided for; encaustic tiles; ether.

Felspar; fig-blue; fire-crackers, sky-rockets, Roman candles, and all similar articles used in pyrotechnics; fish, whether fresh, smoked, salted, dried or pickled, not otherwise provided for; fruits, preserved in their own juice, or pie fruits; fish glue, or isinglass; fish skins; flats, braids, plaits, sparterre and willow squares, used for making hats or bonnets; floss silks, feather beds, feathers for beds, and downs of all kinds; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished; Frankford black; fulminates, or fulminating powders; furniture, cabinet and household, not otherwise provided for; furs, dressed on the skin.

Ginger, dried, green, ripe, ground, preserved or pickled; glass, colored, stained or painted; glass, window; glass crystals for watches;

glasses or pebbles for spectacles; glass tumblers, plain, moulded and pressed, bottles, flasks, and all other vessels of glass not cut, and all glass not otherwise provided for; glue; grass cloth; green turtle; gum benzoin or benjamin; guns, except muskets and rifles, fire-arms, and all parts thereof not intended for military purposes; gunny cloth and India baggings, and India mattings of all sorts, not otherwise provided for.

Hair curled, moss, seaweed, and all other vegetable substances used for beds or mattresses; hair pencils; hat bodies of cotton or wool; hats and bonnets, for men, women and children, composed of straw, satin-straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other materials, not otherwise provided for; hatter's plush, of whatever material composed; honey.

Ink and ink powder; ipecacuanha; iridium; iris or orris root; iron castings; iron liquor; iron in bars, bolts, rods, slabs, and railroad rails, spikes, fishing plates and chairs used in constructing railroads; ivory black.

Jadap: japanned ware of all kinds not otherwise provided for; jet, and manufactures of jet, or imitations thereof; jewelry, or imitations thereof; juniper berries.

Laces of cotton, of thread, or other materials not otherwise provided for; lampblack; lastings cut in strips or patterns of the size or shape for shoes, boots, booties, slippers, gaiters or buttons, of whatever material composed; lead pencils; leaden pipes; leather, japanned; leeches; linens of all kinds; liquorice, paste, juice or root; litharge.

Maccaroni, vermicelli, gelatine, jellies and all other similar preparations not otherwise provided for; machinery of every description not otherwise provided for; malt; magnesia; manganese; manna; manufactures of the bark of the cork tree; manufactures of silk; manufactures of wool of all kinds, or worsted, not otherwise provided for; manufactures of hair of all kinds not otherwise provided for; manufactures of cotton of all kinds not otherwise provided for; manufactures of flax of all kinds not otherwise provided for; manufactures of hemp of all kinds not otherwise provided for; manufactures of bone, shell, horn, pearl, ivory, or vegetable ivory, not otherwise provided for; manufactures, articles, vessels and wares not otherwise provided for, of brass, copper, iron, steel, lead, pewter, tin, or of which either of these metals shall be a component part; manufactures, articles, vessels and wares of glass, or of which glass shall be a component material, not otherwise provided for; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for; manufactures and articles of marble; marble paving tiles, and all other marble more advanced in manufacture than in slabs or blocks in the rough not otherwise provided for; manufactures of paper, or of which paper is a component material, not otherwise provided for; manufactures of wood, or of which wood is a component part, not otherwise provided for; matting, china or other floor matting, and mats made of flags, jute, or grass; medicinal preparations, drugs, roots and leaves in a crude state, not otherwise provided for; morphine; metallic pens; mineral waters; musical instruments of all kinds, and strings for musical instruments, of whip-gut, cat-gut, and all other strings of the same material; mustard in bulk or in bottles; mustard seed.

Needles of all kinds, for sewing, darning and knitting; nitrate of lead.

Ochres and ochrey earths; oil cloths of every description, of whatever material composed; oils of every description, animal, vegetable and mineral, not otherwise provided for; olives, opium; orange and lemon peel; osier or willow, prepared for basket makers' use.

Paints, dry or ground in oil, not otherwise provided for; paper, antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and for print-



ing newspapers, hand-bills and other printing, and all other paper, not otherwise provided for; paper boxes, and all other fancy boxes; paper envelopes; paper hangings, paper for walls, and paper for screens or fire-boards; parchment; parasols and sun shades, and umbrellas; patent mordant; paving and roofing tiles, and bricks, and roofing slates, and fire bricks; periodicals and other works, in course of printing and republication in the Confederate States; pitch; plaster of paris, calcined; plumbago; potassium; putty.

Quicksilver; quills; quasia, manufactured or unmanufactured.

Red chalk pencils; rhubarb; roman cement.

Saddlery of all kinds, not otherwise provided for; saffron and saffron cake; sago; salts, epsom, glauber, and rochielle, and all other salts and preparations of salts not otherwise provided for; sarsaparilla; screws of all kinds; sealing wax; seines; seppia; sewing silk, in the gum and purified; shaddocks; skins of all kinds, tanned, dressed or japanned; slate pencils; smaltz; soap of every description not otherwise provided for; spirits of turpentine; spunk; squills; starch; stereotype plates; still bottoms; sulphate of barytes, crude or refined; sulphate of quinine, and quinine in all its various preparations.

Tapioca; tar; textile fabrics of every description, not otherwise provided for; twine and pack thread, of whatever material composed; thread lacings and insertings; types, old or new, and type metals.

Umbrellas; vandyke brown; vanilla beans; varnish of all kinds; velum; venetian red; velvet in the piece, composed wholly of cotton, or of cotton and silk, but of which cotton is the component material of chief value; verdigris; vermilion; vinegar.

Wafers; water colors; whalebone; white and red lead; white vitriol, or sulphate of zinc; whiting, or Paris white; window glass, broad, crown or cylinder; woolen and worsted yarns, and woolen listings; shot of lead, not otherwise provided for; wheelbarrows and handbarrows; wagons and vehicles of every description.

#### SCHEDULE D, (ten per centum ad valorem.)

Schedule D, ten per cent.

Acids of every description not otherwise provided for; alcornoque; aloes; amberggris; amber; ammonia and sal ammonia; anatto, roucou or orleans; angora Thibet, and other goats' hair, or molhair, unmanufactured, not otherwise provided for; annis seed; antimony, crude or regulus of; argol, or crude tartar; arsenic; ashes, pot, pearl and soda; asphaltum; assafoetida.

Bananas, cocoa nuts, pine apples, plantains, oranges, and all other West India fruits in their natural state; barilla; bark of all kinds, not otherwise provided for; bark, Peruvian; bark, guilla; bismuth; bitter apples; bleaching powder of chloride of lime; bones, burnt; boards, planks, staves, shingles, laths, scantling, and all other sawed lumber; also spars and hewn timber of all sorts, not otherwise provided for; bone black, or animal carbon, and bone dust; bolting cloths; books, printed, magazines, pamphlets, periodicals, and illustrated newspapers, bound, or unbound, not otherwise provided for; books, blank, bound or unbound; borate of lime; borax, crude or tincal; borax refined; buchu leaves; box wood, unmanufactured; Brazil paste; Brazil wood, braziletto, and all dye-woods in sticks; bristles; bronze and Dutch metal in leaf, bronze liquor and bronze powder; building stones; butter; burr stones, wrought or unwrought.

Cabinets of coins, medals, gems, and all collections of antiquities; canthar, crude; cantharides; cassia and cassia buds; chalk; cheese; chickory root; chronometers, box or ship, and parts thereof; clay, burnt

or unburnt bricks, paving and roofing tiles, gas retorts, and roofing slates; coal, coke, and culm of coal; cochineal; cocoa nuts, cocoa and cocoa shells; coculus indicus; coir yarn; codilla, or tow of hemp or flax; cow-hage down; cream of tartar; cudbear.

Diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, and imitations thereof, when set in gold or silver, or other metal; diamond glaziers, set or not set; dragon's blood.

Engravings, bound or unbound; extract of indigo; extracts and decoctions of log-wood and other dye-wood, not otherwise provided for; extract of madder; ergot.

Flax, unmanufactured; flaxseed and linseed; flints and flint ground; flocks, waste or shoddy; French chalk; furs, hatters', dressed or undressed, not on the skin; furs, undressed, when on the skin.

Glass, when old and fit only to be re-manufactured; gamboge; gold and silver leaf; gold-beaters' skin; grindstones; gum—Arabic, Barbary, copal, East Indies, Senegal, substitute, tragacanth, and all other gums and resins, in a crude state, not otherwise provided for.

Hair, of all kinds, uncleansed and unmanufactured; hemp, unmanufactured; hemp seed and rape seed; hops, horns, horn-tips, bone, bone-tips, and teeth, unmanufactured.

Ivory, unmanufactured, ivory nuts, or vegetable ivory.

Jute, sisal grass, coir, and other vegetable substances, unmanufactured, not otherwise provided for.

Kelp; kermes.

Lac spirits, lac sulphur, and lac dye; leather, tanned, band, sole, and upper of all kinds not otherwise provided for; lemons and limes, and lemon and lime juice, and juices of all other fruits without sugar; lime.

Madder, ground or prepared; madder root; marble in the rough slab or block, unmanufactured; metals, unmanufactured, not otherwise provided for; mineral kermes; mineral and bituminous substances, in a crude state, not otherwise provided for; moss, iceland; music, printed with lines, bound or unbound.

Natron; nickel; nuts, not otherwise provided for: nut galls; nux vomica.

Oakum; oranges, lemons, and limes, orpiment.

Palm leaf, unmanufactured; pearl, mother of; pine apples; plantains; platina, unmanufactured; polishing stones; potatoes; prussian blue; pumice and pumice stone.

Rattans and reeds, unmanufactured; red chalk; rotten stone.

Safflower; sal soda, and all carbonates and sulphates of soda, by whatever names designated, not otherwise provided for; seedlac; shellac; silk, raw, not more advanced in manufacture than singles, tram and thrown, or organzine; sponges; steel, in bars, sheets and plates, not further advanced in manufacture than by rolling; and cast steel in bars; sumac; sulphur, flour of.

Tallow, marrow, and all other grease or soap stock and soap stuffs, not otherwise provided for.

Tea; teine tin, in plates or sheets; teazle, terra japonica, catechu; tin, in plates or sheets, and tin foil; tortoise, and other shells, unmanufactured; trees, shrubs, bulbs, plants and roots, not otherwise provided for; turmeric.

Watches and parts of watches; woad or pastel; woods, viz.: cedar, box, ebony, lignum vitæ, granadilla, mahogany, rose-wood, satin-wood, and all other woods, unmanufactured.

Iron ore, and iron in bloom, loops and pigs.

Maps and charts.

Paintings and statuary not otherwise provided for.

Wool, unmanufactured, of every description, and hair of the Alpaca goat and other like animals.

Specimens of natural history, mineralogy, or botany, not otherwise provided for.

Yams.

Leaf and unmanufactured tobacco.

#### SCHEDULE E, (five per centum ad valorem.)

Schedule E, 5 per cent.

Articles used in dyeing and tanning, not otherwise provided for.

Brass, in bars or pigs, old and fit only to be re-manufactured; bells, old; bell metal.

Copper, in pigs or bars; copper ore; copper, when old and fit only to be re-manufactured; cutch.

Diamonds, cameos, mosaics, pearl, gems, rubies, and other precious stones, and imitations thereof, when not set.

Emery, in lump or pulverized.

Felt, adhesive, for sheathing vessels; Fuller's earth.

Gums of all sorts, not otherwise provided for; gutta percha, unmanufactured.

Indigo; India rubber, in bottle, slabs, or sheets, unmanufactured; India rubber, milk of.

Junk, old.

Plaster of Paris, or sulphate of lime, ground or unground; raw hides and skins of all kind undressed.

Sheathing copper—but no copper to be considered as such, except in sheets forty-eight inches long and fourteen inches wide, and weighing from eleven to thirty-four ounces; sheathing or yellow metal not wholly or part of iron; sheathing or yellow metal; nails expressly for sheathing vessels; sheathing paper; stove bolts and shingle bolts.

Tin ore, and tin in pigs or bars; type, old and fit only to be re-manufactured.

Wool.

Zinc, spelter, or teutenegue, unmanufactured.

#### SCHEDULE F. (Specific Duties.)

Schedule F, specific duties.

Ice—one dollar and fifty cents per ton.

Salt—ground, blown or rock—two cents per bushel, of fifty-six pounds per bushel.

#### SCHEDULE G. (Exempt from Duty.)

Schedule G, exempt from duty.

Books, maps, charts, mathematical and nautical instruments, philosophical apparatus, and all other articles whatever, imported for the use of the Confederate States; books, pamphlets, periodicals and tracts, published by religious associations.

All philosophical apparatus, instruments, books, maps and charts; statues, statuary, busts and casts, of marble, bronze, alabaster, or plaster of paris; paintings and drawings; etchings; specimens of sculpture; cabinets of coins; medals, gems, and all collections of antiquities: *Provided*, The same be specially imported in good faith for the use of any society incorporated or established for philosophical and literary purposes, or for the encouragement of the fine arts, or for the use or by the order of any church, college, academy, school or seminary of learning in the Confederate States.

Bullion, gold and silver.



Coins, gold, silver and copper; coffee; cotton; copper, when imported for the mint of the Confederate States.

Garden seeds, and all other seeds for agricultural and horticultural purposes; goods, wares, and merchandize, the growth, produce or manufacture of the Confederate States, exported to a foreign country and brought back to the Confederate States in the same condition as when exported, upon which no drawback has been allowed: *Provided*, That all regulations to ascertain the identity thereof, prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with.

Guano, manures, and fertilizers of all sorts.

Household effects, old and in use, of persons or families from foreign countries, if used abroad by them, and not intended for any other purpose or purposes, or for sale.

Models or inventions or other improvements in the arts: *Provided*, That no article or articles shall be deemed a model which can be fitted for use.

Paving stones; personal and household effects, not merchandise, of citizens of the Confederate States dying abroad.

Specimens of natural history, mineralogy, or botany; provided the same be imported in good faith for the use of any society incorporated or established for philosophical, agricultural or horticultural purposes, or for the use or by the order of any college, academy, school or seminary of learning in the Confederate States.

Wearing apparel, and other personal effects not merchandise; professional books, implements, instruments, and tools of trades, occupation or employment, of persons arriving in the Confederate States: *Provided*, That this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale.

Bacon, pork, hams, lard, beef, wheat, flour and bran of wheat, flour and bran of all other grains, Indian corn and meal, barley, rye, oats and oat meal, and living animals of all kinds, not otherwise provided for; also all agricultural productions, including those of the orchard and garden, in their natural state, not otherwise provided for.

Gunpowder, and all the materials of which it is made.

Lead, in pigs or bars, in shot or balls, for cannon, muskets, rifles or pistols.

Rags, of whatever material composed.

Arms of every description, for military purposes, and parts thereof, munitions of war, military accoutrements, and percussion caps.

Ships, steamers, barges, dredging vessels, machinery, screw pile jetties, and articles to be used in the construction of harbors, and for dredging and improving the same.

Non-enumerated articles bearing a similitude to articles enumerated, chargeable with the duties on the latter.

SEC. 2. *And be it further enacted*, That there shall be levied, collected and paid on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the uses to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty which is levied and charged on the enumerated article by the foregoing schedules, which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied, collected and paid on such non-enumerated article the same rate of duty as is chargeable on the article which it resembles, paying the highest duty: *Provided*, That on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable: *Provided further*, That on all articles which are not enumerated in the foregoing schedules and cannot be classified under this section, a duty of ten per cent. ad valorem shall be charged.

When the resemblance is to two or more articles.

Proviso.

Duty of ten per cent. on all articles not enumerated and classified.

SEC. 3. *And be it further enacted*, That all goods, wares and merchandise which may be in the public stores as unclaimed, or in warehouse under warehousing bonds, on the thirty-first day of August next, shall be subject, on entry thereof for consumption, to such duty as if the same had been imported, respectively after that day.

SEC. 4. *And be it further enacted*, That on the entry of any goods, wares or merchandise, imported on or after the thirty-first day of August aforesaid, the decision of the collector of customs at the port of importation and entry, as to their liability to duty or exemption therefrom, shall be final and conclusive against the owner, importer, consignee or agent of any such goods, wares and merchandise, unless the owner, importer, consignee or agent shall, within ten days after such entry, give notice to the collector, in writing, of his dissatisfaction with such decision, setting forth therein distinctly and specifically his ground of objection thereto, and shall, within thirty days after the date of such decision, appeal therefrom to the Secretary of the Treasury, whose decision on such appeal shall be final and conclusive; and the said goods, wares and merchandise shall be liable to duty or exemption therefrom accordingly, any act of Congress to the contrary notwithstanding, unless suit shall be brought within thirty days after such decision, for any duties that may have been paid, or may thereafter be paid on said goods, or within thirty days after the duties shall have been paid in cases where such goods shall be in bond.

SEC. 5. *And be it further enacted*, That it shall be lawful for the owner, consignee, or agent of imports which have been actually purchased or procured otherwise than by purchase, on entry of the same, to make such addition in the entry to the cost or value given in the invoice as, in his opinion, may raise the same to the true market value of such imports in the principal markets of the country whence the importations shall have been made, and to add thereto all costs and charges which, under existing laws, would form part of the true value at the port where the same may be entered, upon which the duty should be assessed. And it shall be the duty of the collector within whose district the same may be imported or entered, to cause the dutiable value of such imports to be appraised, estimated and ascertained, in accordance with the provisions of existing laws; and if the appraised value thereof shall exceed by ten per centum, or more, the value so declared on entry, then in addition to the duties imposed by law on the same, there shall be levied, collected, and paid, a duty of twenty per centum ad valorem, on such appraised value: *Provided, nevertheless*, That under no circumstances shall the duty be assessed upon an amount less than the invoice or entered value, any law of Congress to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That so much of all acts or parts of acts as may be inconsistent with the provisions of this act, shall be and the same are hereby repealed.

APPROVED May 21, 1861.

CHAP. XLV.—An Act to define with more certainty the meaning of an act entitled "An Act to fix the duties on articles therein named," approved March the fifteenth, eighteen hundred and sixty-one. May 21, 1861.

The Congress of the Confederate States of America do enact, That the above recited act shall be so construed as to embrace all railroad rails, spikes, fishing plates and chairs, used in the construction of railroads, which were imported and were in bond at the date of its passage.

SEC. 2. *Be it further enacted*, That the Secretary of the Treasury is hereby directed to refund to such railroad companies as have, since the

Goods in public stores as unclaimed, or in warehouse under bonds, on the 31st of August, 1861.

Decision of collector as to liability to or exemption from duty, of goods imported on or after the 31st August, 1861, final and conclusive, unless, &c.

Appeal allowed to Secretary of the Treasury.

Invoice value of imports may be raised to the true market value.

Addition of costs and charges.

Dutiable value to be appraised.

Extra duty to be paid if the appraised value exceed by 10 per cent. or more, the value declared on entry. Proviso.

Repealing clause.

Act of March 15, 1861, ch. 54, fixing the duties on articles therein named, construed.

When a greater rate of duty has

been paid than is prescribed by said act, the excess to be refunded.

passage of said act, paid on any of the above enumerated articles imported as aforesaid, a greater rate of duty than is prescribed by said act, the amount over and above said rate.

APPROVED May 21, 1861.

May 21, 1861.

CHAP. XLVI.—*An Act to establish a Patent Office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements, and designs.*

Patent office established, and attached to the Department of Justice.

President to appoint Commissioner of patents. His duties.

Chief clerk.

Examiners of patents and other clerks.

Commissioner and other officers disqualified from taking any interest in patents.

Compensation.

Oath of office.

Bonds.

Seal of office.

Copies of records to be evid. nec.

*The Congress of the Confederate States of America do enact, That* there shall be established and attached to the Department of Justice, an office to be denominated the Patent Office, the chief officer of which shall be called the Commissioner of Patents, to be appointed by the President, and with the consent of the Congress, whose duty it shall be, under the direction of the Attorney General, to superintend, execute and perform all such acts and things touching and respecting the issue of patents for new and useful discoveries, inventions and improvements, as are herein provided for, or shall hereafter be by law directed to be done and performed, and shall have the charge and custody of all the books, records, papers, models, machines, and other things belonging to said office.

SEC. 2. *Be it further enacted, That* there shall be in said office an inferior officer, to be appointed by said commissioner, with the approval of the Attorney General, to be called the chief clerk of the patent office, who in all cases during the absence of the commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of the commissioner during such vacancy. And the said commissioner may also, with like approval, appoint such examiners of patents, and other clerks as may be necessary. And said commissioner, and every other person appointed and employed in said office, shall be disqualified or interdicted from acquiring or taking, except by inheritance, during the period for which they shall hold their appointments respectively, any right or interest, directly or indirectly, in any patent for an invention or discovery which has been or may hereafter be granted. And said commissioner, and all others employed in said office, shall receive a compensation to be ascertained and fixed by law.

SEC. 3. *And be it further enacted, That* the said principal officer, and every other person to be appointed in the said office, shall, before he enters upon the duties of his office or appointment, make oath or affirmation truly and faithfully to execute the trust committed to him. And the said commissioner and chief clerk shall also, before entering upon their duties, severally give bonds, with sureties, to the treasurer of the Confederate States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, with condition to render a true and faithful account to him or his successor in office, quarterly, of all moneys which shall be by them respectively received for duties on patents, and for copies of records and drawings, and all other moneys received by virtue of said office.

SEC. 4. *And be it further enacted, That* the said commissioners shall cause a seal to be made and provided for the said office, with such device as the President of the Confederate States shall approve; and copies of any records, books, papers or drawings belonging to the said office, under the signature of said commissioner, or when the office shall be vacant, under the signature of the chief clerk, with the said seal affixed, shall be



competent evidence in all cases in which the original records, books, papers or drawings could be evidence. And any person making application therefor may have certified copies of the records, drawings and other papers deposited in the said office, on paying for the written copies the sum of ten cents for every page of one hundred words, and for copies of drawings, the reasonable expenses of making the same.

SEC. 5. *And be it further enacted*, That all patents issuing from the said office shall be issued in the name of the Confederate States, and under seal of said office, and be signed by the Attorney General, and countersigned by the commissioner of said office, and shall be recorded, together with the descriptions, specifications and drawings, in the said office, in books to be kept for that purpose. Every patent shall contain a short description or title of the invention or discovery, correctly indicating its nature and design, and in its terms grant to the applicant or applicants, his or their heirs, administrators, executors or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, using and vending to others to be used, the said invention or discovery, referring to the specifications for the particulars thereof, a copy of which shall be annexed to the patent, specifying what the patentee claims as his invention or discovery.

SEC. 6. *And be it further enacted*, That any person or persons having discovered or invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used by others before his or their discovery or invention thereof, and not at the time of his application for a patent in public use or for sale, with his consent or allowance, as the inventor or discoverer, and shall desire to obtain an exclusive property therein, may make application in writing to the commissioner of patents, expressing such desire; and the commissioner, on due proceedings had, may grant a patent therefor. But before any inventor shall receive a patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using and compounding the same, in such full, clear and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of any machine he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination which he claims as his own invention or discovery. He shall, furthermore, accompany the whole with a drawing or drawings, and written references, where the nature of the case admits of drawings; or with specimens of ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention or discovery is of a composition of matter; which descriptions and drawings signed by the inventor, and attested by two witnesses, shall be filed in the Patent office; and he shall moreover furnish a model of his invention, in all cases which admit of a representation by model, of a convenient size to exhibit advantageously its several parts. The applicant shall make oath or affirmation that he does verily believe that he is the original and first inventor or discoverer of the art, machine, composition, or improvement, for which he solicits a patent; and that he does not know or believe that the same was ever before known or used; and also of what country he is a citizen; which oath or affirmation may be made before any person authorized by law to administer oaths.

SEC. 7. *And be it further enacted*, That on the filing of any such appli-

Fees.

Form of patents.

Term.

For what a patent may be granted.

Application.

Written description of invention, and of the manner of making, using, &amp;c., the same.

Drawings and written references; specimens of ingredients and of the composition of matter.

Signature; attestation and filing of descriptions and drawings.

Model of invention.

Oath or affirmation of applicant.

Examination by Commissioner, or other officer of the alleged new invention or discovery. What to appear to authorize the issuing of a patent.

Commissioner to notify the applicant when his application is refused.

If applicant persists in his claim for a patent, new oath required.

Appeal to Attorney General.

Proceedings on appeal.

Proviso.

Applications for patents which interfere with other pending applications or unexpired patents.

Commissioner to give notice thereof.

Appeal from his decision,

Taking out letters patent in a foreign country not to deprive inventor of his right under this act.

ation, description and specification, and the payment of the duty herein-after provided, the commissioner shall make, or cause to be made, an examination of the alleged new invention or discovery, and if, on any such examination, it shall not appear to the commissioner that the same had been invented or discovered by any other person in this country, prior to the alleged invention or discovery thereof by the applicant, or that it had been patented or described in any printed publication, in this or in any foreign country, or had been in public use or on sale, with the applicant's consent or allowance, prior to the application, if the commissioner shall deem it to be sufficiently useful and important, it shall be his duty to issue a patent therefor. But whenever, on such examination, it shall appear to the commissioner that the applicant was not the original and first inventor or discoverer thereof, or that any part of that which is claimed as new had before been invented or discovered, or patented or described in any printed publication in this or any foreign country as aforesaid, or that the description is defective and insufficient, he shall notify the applicant thereof, giving him briefly such information and references as may be useful in judging of the propriety of renewing his application, or of altering his specification to embrace only that part of the invention or discovery which is new. But if the applicant in such case shall persist in his claim for a patent, with or without any alterations of his specifications, he shall be required to make oath or affirmation anew, in manner as aforesaid; and if the specification and claim shall not have been so modified as in the opinion of the commissioner shall entitle the applicant to a patent, he may, on appeal, and upon request in writing, have the decision of the Attorney General, who shall be furnished with a certificate in writing, with the opinion and decision of the commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented, and the Attorney General shall give reasonable notice to the applicant, as well as to the commissioner, of the time and place of hearing such appeal, that they may have an opportunity of furnishing him with such facts and evidence as they may deem necessary to a just decision; and it shall be the duty of the commissioner to furnish to the Attorney General such information as he may possess, relative to the matter under consideration. And on an examination and consideration of the matter by the Attorney General, it shall be in his power to reverse the decision of the commissioner, either in whole or in part; and his opinion being certified to the commissioner, he shall be governed thereby in the further proceedings to be had on such application: *Provided, however,* That before an appeal shall be had in any such case, the applicant shall pay to the credit of the treasury, as provided in the twenty-third section of this act, the sum of twenty-five dollars.

SEC. 8. *And be it further enacted,* That whenever an application shall be made for a patent, which in the opinion of the commissioner would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the commissioner to give notice thereof to such applicants or patentees, as the case may be; and if either shall be dissatisfied with the decision of the commissioner on the question of priority of right or invention, on a hearing thereof, he may appeal from such decision on the like terms and conditions as are provided in the preceding section of this act, and the like proceedings shall be had to determine which or whether either of the applicants is entitled to receive a patent as prayed for. But nothing in this act contained shall be construed to deprive an original and true inventor of the right to a patent for his invention by reason of his having previously taken out letters patent therefor in a foreign country, and the same having been published at any time within six months next

preceding the filing of his specifications and drawings. And whenever the applicant shall request it, the patent shall take date from the time of filing of the specifications and drawings; not, however, exceeding six months prior to the actual issuing of the patent; and on like request, and the payment of the duty herein required, by any applicant, his specifications and drawings shall be filed in the secret archives of the office, until he shall furnish the model and the patent be issued, not exceeding the term of two years—the applicant being entitled to notice of interfering application.

Date of patent.

Filing of specifications, &amp;c., in the secret archives of the office.

SEC. 9. *And be it further enacted*, That where any person hath made or shall have made any new invention, discovery or improvement, on account of which a patent might by virtue of this act be granted, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such patent shall devolve on the executor or administrator of such person, in trust for the heirs-at-law of the deceased, in case he shall have died intestate, but if otherwise, then in trust for his devisees, in as full and ample manner, and under the same conditions, limitations and restrictions as the same was held or might have been claimed or enjoyed by such person in his or her lifetime; and when application for a patent shall be made by such legal representatives, the oath or affirmation provided in the sixth section of this act shall be so varied as to be applicable to them.

Patents may issue to executors, &amp;c.

Oath.

SEC. 10. *And be it further enacted*, That every patent shall be assignable in law, either as to the whole interest, or any undivided part thereof, by any instrument in writing: which assignment, and also every grant and conveyance of the exclusive right, under any patent, to make and use, and to grant to others to make and use, the thing patented within and throughout any specified part or portion of the Confederate States, shall be recorded in the patent office within three months from the execution thereof.

Assignment of patents.

To be recorded.

SEC. 11. *And be it further enacted*, That any person who shall have invented any new art, machine, or improvement thereof, and shall desire further time to mature the same, may, on paying to the credit of the treasury, in manner as provided in the twenty-third section of this act, the sum of ten dollars, file in the patent office a caveat setting forth the design and purpose thereof, and its principal and distinguishing characteristics, and praying protection of his right till he shall have matured his invention. And such caveat shall be filed in the confidential archives of the office, and preserved in secrecy. And if application shall be made by any other person, within one year from the time of filing of such caveat, for a patent of any invention with which it may in any respect interfere, it shall be the duty of the commissioner to deposit the description, specifications, drawings and model in the confidential archives of the office, and to give notice (by mail) to the person filing the caveat, of such application, who shall, within three months after receiving the notice, if he would avail himself of the benefit of his caveat, file his description, specifications, drawings and model; and if, in the opinion of the commissioner, the specifications of claim interfere with each other, like proceedings may be had in all respects as are in this act provided in the case of interfering applications: *Provided, however*, That no opinion or decision of the commissioner or examiners, under the provisions of this act, shall preclude any person interested in favor of or against the validity of any patent which has been or may hereafter be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Inventor may file caveat.

Fees.

To be kept secret.

Notice to be given of interfering application.

Decision.

Remedy at law preserved.

SEC. 12. *And be it further enacted*, That whenever any patent which has heretofore been granted, or which shall hereafter be granted, shall

Defective patents



may be surrendered and re-issued.

Effect there f.

Patents for new improvements of the original invention or discovery.

Annexing to original patents, descriptions, &c., of such improvements disallowed.

Defendant may plead the general issue, and give notice of special matter.

Defences.

What special matters the defendant to state in his notice, when he relies on a previous invention, &c.

Judgment.

When prior use abroad not to avoid patent.

be inoperative or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification as his own invention more than he had or shall have a right to claim as new, if the error has or shall have arisen by inadvertency, accident or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the commissioner, upon the surrender to him of such patent, and the payment of the further duties of twenty dollars, to cause a new patent to be issued to its head inventor, for the same invention, for the residue of the period then unexpired for which the original patent was granted, in accordance with the patentee's corrected description and specification. And in case of his death, or any assignment by him made of the original patent, a similar right shall vest in his executors, administrators or assigns. And the patent so re-issued, together with the corrected description and specifications, shall have the same effect and operation in law, on the trial of all actions hereafter commenced for causes subsequently accruing, as though the same had been originally filed in such corrected form before the issuing of the original patent. And in all cases where any new improvement of the original invention or discovery may have been invented or discovered by the original patentee subsequent to the date of his patent, for which a patent is desired by him, an independent patent for such improvement or discovery may be applied for; and no annexing to such original patent of the description and specification of such additional improvement or improvements shall be allowed.

SEC. 13. *And be it further enacted;* That the defendant in any such action shall be permitted to plead the general issue, and to give this act and any special matter in evidence of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, tending to prove that the description and specification filed by the plaintiff does not contain the whole truth relative to his invention or discovery, or that it contains more than is necessary to produce the described effect; which concealment or addition shall fully appear to have been made for the purpose of deceiving the public, or that the patentee was not the first and original inventor or discoverer of the thing patented, or of a substantial and material part thereof, claimed as new, or that it has been described in some public work anterior to the supposed discovery thereof by the patentee, or had been in public use or on sale with the consent and allowance of the patentee before his application for a patent, or that he had surreptitiously or unjustly obtained the patent for that which was in fact invented or discovered by another, who was using reasonable diligence in adapting and perfecting the same; or that the patentee, if an alien at the time the patent was granted, had failed and neglected, for the space of eighteen months from the date of the patent, to put and continue on sale to the public, on reasonable terms, the invention or discovery for which the patent was issued; and whenever the defendant relies in his defence on the fact of a previous invention, knowledge or use of the thing patented, he shall state in his notice of special matters the names and places of residence of those whom he intends to prove to have possessed a prior knowledge of the thing, and where the same had been used; in either of which cases judgment shall be rendered for the defendant with costs: *Provided, however,* That whenever it shall satisfactorily appear that the patentee, at the time of making his application for the patent, believed himself to be the first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been before known or used in any foreign country—it not appearing that the same or any substantial part thereof had before been patented or described in any

printed publication: *And provided also*, That whenever the plaintiff shall fail to sustain his action on the ground that in his specification or claim is embraced more than that of which he was the first inventor, if it shall appear that the defendant had used or violated any part of the invention justly and truly specified and claimed as new, it shall be in the power of the court to adjudge and award, as to costs, as may appear to be just and equitable.

Costs.

SEC. 14. *And be it further enacted*, That whenever there shall be two interfering patents, or whenever a patent or application shall have been refused on an adverse decision of the Attorney General, on the ground that that patent applied for would interfere with an unexpired patent previously granted, any person interested in any such patent either by assignment or otherwise, in the one case, and any such applicant in the other case, may have remedy in equity; and the court having cognizance thereof, on notice to adverse parties, and other due proceedings had, may adjudge and declare either the patents void in the whole or in part, or inoperative and invalid in any particular part or portion of the Confederate States, according to the interest which the parties to such suit may possess in the patent or the invention patented; and may also adjudge that such applicant is entitled, according to the principles and provisions of this act, to have and receive a patent for his invention, as specified in his claim, or for any part thereof, as the fact of priority or right or invention shall, in any such case, be made to appear. And such adjudication, if it be in favor of the right of such applicant, shall authorize the commissioner to issue such patent, on his filing a copy of the adjudication and otherwise complying with the requisitions of this act: *Provided, however*, That no such judgment or adjudication shall affect the rights of any person, except the parties to the action and those deriving title from and under them subsequent to the rendition of such judgment.

Remedy in equity where there are interfering patents, or where a patent has been refused on the ground that it would interfere with an unexpired patent.

Proviso.

SEC. 15. *And be it further enacted*, That all actions, suits, controversies and cases arising under any law of the Confederate States, granting or confirming to inventors the exclusive right to their inventions or discoveries, shall be originally cognizable, as well in equity as at law, by the district courts of the Confederate States, which courts shall have power in any such case to grant injunctions according to the course and principles of courts of equity, to prevent the violation of the rights of any inventor as secured to him by any law of the Confederate States, on such terms and conditions as said courts may deem reasonable: *Provided, however*, That from all judgments and decrees from any such court rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the Supreme Court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of district courts, and in all other cases in which the court shall deem it reasonable to allow the same.

All actions, &c., under the patent laws, cognizable in the District Courts of the C. S.

Lower of the court to grant injunctions.

Proviso, as to writs of error or appeal.

SEC. 16. *And be it further enacted*, That it shall be the duty of the commissioner to cause to be classified and arranged in such rooms or galleries as may be provided for that purpose, in suitable cases, when necessary for their preservation, and in such manner as shall be conducive to a beneficial and favorable display thereof, the models and specimens of compositions and fabrics, and other manufactures and works of art, patented or unpatented, which have been or shall hereafter be deposited in said office. And said rooms or galleries shall be kept open during suitable hours for public inspection.

Classification and arrangement in rooms or galleries, of models, &c.

To be kept open for public inspection.

SEC. 17. *And be it further enacted*, That whenever a patent shall be returned for correction and re-issue, under this act, and the patentee

Fees for several



distinct patents on surrender. shall desire several patents to be issued for distinct and separate parts of the thing patented, he shall first pay, in manner and in addition to the sum provided by this act, the sum of twenty dollars for each additional patent so to be issued; nor shall any new patent be issued for an improvement made in any machine, manufacture or process, to the original inventor, assignee or possessor of a patent therefor, nor any disclaimer be admitted to record, until a duplicate model or drawing of the same shall have been deposited in the patent office, if the commissioner

When duplicate models or drawings to be filed. shall require the same; nor shall any patent be granted for an invention, improvement or discovery, the model or drawing of which shall have been lost, until another model or drawing, if required by the commissioner, shall in like manner be deposited in the patent office. And in

Question of compensation for. all such cases the question of compensation for such models and drawings shall be subject to the judgment and decision of the commissioner, under the same limitations and restrictions as are herein prescribed.

Patents may issue to the assignees of the inventors or discoverers. SEC. 18. *And be it further enacted*, That any patent, hereafter to be issued, may be made and issued to the assignee or assignees of the inventor or discoverer, the assignment thereof being first entered of record, and the application therefor being duly made, and the specification duly sworn to by the inventor. And in all cases hereafter the ap

Applicant for patent to furnish duplicate drawings. plicant for a patent shall be held to furnish duplicate drawings, whenever the case admits of drawings, one of which to be deposited in the office, and the other to be annexed to the patent and considered a part of the specification.

Patentee may disclaim where his specification is too broad. SEC. 19. *And be it further enacted*, That whenever any patentee shall have, through inadvertence, accident or mistake, made his specification of claim too broad, claiming more than that of which he was the original or first inventor, some material and substantial part of the thing patented being truly and justly his own, any such patentee, his administrators, executors and assigns, whether of a whole or of a sectional interest therein, may make disclaimer of such parts of the thing patented as the disclaimant shall not claim to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent, which disclaimer shall be in writing, attested by one or more witnesses, and recorded in the patent office, on payment by the person disclaiming, in manner as other patent duties are required by law to be paid, of the

How made. sum of ten dollars. And such disclaimer shall thereafter be taken and considered as part of the original specification, to the extent of the interest which shall be possessed in the patent or right secured thereby by the disclaimant, and by those claiming by or under him, subsequent to the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing the same.

Effect thereof. Application for improvements and re-issues to be subject to revision as original application. SEC. 20. *And be it further enacted*, That whenever application shall be made to the commissioner for a patent for a newly discovered improvement to be made to an existing patent, or wherever a patent shall be returned for correction and re-issue, the specification of claim annexed to every such patent shall be subject to revision and restriction, in the same manner as are original applications for patents; the commissioner shall not add any such improvement to the patent in the one case, nor grant the re-issue in the other case, until the applicant shall have entered a disclaimer or altered his specification of claim, in accordance with the decision of the commissioner; and in all such cases the applicant, if dissatisfied with such decision, shall have the same remedy and be entitled to the benefit of the same privileges and proceedings as are provided by law in the case of original applications for patents.

Disclaimer. Appeal. Patent to be good SEC. 21. *And be it further enacted*, That whenever, by mistake, acci-



dent or inadvertence, and without any wilful default or intent to defraud or mislead the public, any patentee shall have in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, and shall have no legal or just right to claim the same, in every such case the patent shall be deemed good and valid, for so much of the invention or discovery as shall be truly and *bona fide* his own: *Provided*, It shall be a material and substantial part of the thing patented, and be definitely distinguishable from the other parts so claimed, without right as aforesaid. And every such patentee, his executors, administrators and assigns, whether of a whole or of a sectional interest therein, shall be entitled to maintain a suit at law or in equity on such patent for any such infringement of such part of the invention or discovery as shall be *bona fide* his own as aforesaid, notwithstanding the specification may embrace more than he shall have any legal right to claim. But in every such case in which a judgment or verdict shall be rendered for the plaintiff, he shall not be entitled to recover costs against the defendant, unless he shall have entered at the patent office prior to the commencement of the suit, a disclaimer of all that part of the thing patented which was so claimed without right: *Provided, however*, That no person bringing any such suit shall be entitled to the benefits of the provisions contained in this section, who shall have unreasonably neglected or delayed to enter at the patent office a disclaimer as aforesaid.

Actions for infringements.

No costs unless disclaimer filed.

Delay in filing disclaimer, to bar.

SEC. 22. *And be it further enacted*, That in all cases in which an oath is required by this act, if the person of whom it is required shall be conscientiously scrupulous of taking an oath, affirmation may be substituted therefor.

When affirmation may be taken instead of oath.

SEC. 23. *And be it further enacted*, That all moneys paid into the treasury of the Confederate States for patents, and for fees for copies furnished by the commissioner shall be carried to the credit of the patent fund created by this act; and the moneys constituting said fund shall be and the same are hereby appropriated for the payment of the salaries of the officers and clerks provided by this act, and all other expenses of the patent office, including all the expenditures, provided for by this act; and also for such other purposes as are or may be hereafter specially provided for by law. And the commissioner is hereby authorized to draw upon such fund, from time to time, for such sums as shall be necessary to carry into effect the provisions of this act, governed, however, by the several limitations herein contained. And it shall be his duty to lay before Congress, in the month of January, annually, a list of all patents which shall have been granted during the preceding year, designating under proper heads the subjects of such patents, and furnishing an alphabetical list of the patentees, with their places of residence; and he shall also furnish a list of all patents which shall have become public property during the same period, together with such other information of the state of the patent office as may be useful to Congress or to the public.

Patent fund appropriated for payment of expenses of the patent office.

Commissioner to make annual report to Congress.

SEC. 24. *And be it further enacted*, That the commissioner be authorized to employ temporary clerks to do any necessary transcribing, whenever the current business of the office requires it: *Provided, however*, That instead of salary a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Temporary clerks.

Compensation.

SEC. 25. *And be it further enacted*, That the commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the patent office previous to said publication, and retain one hundred copies for the patent office and five hundred copies to be de-

List of patents to be published.

posited in the library of Congress, for such distribution as may hereafter be directed; and that one thousand dollars, if necessary, be appropriated out of the patent fund, to defray the expenses of the same.

Appropriation for the library of the patent office.

SEC. 26. *And be it further enacted*, That the sum of five hundred dollars be appropriated from the patent fund, to be expended under the direction of the commissioner, for the purchase of necessary books for the library of the patent office.

Applications by aliens for patents.

SEC. 27. *And be it further enacted*, That all applications by aliens to obtain patents for inventions which have already been patented in foreign countries, shall be made within six months from the date of such foreign letters patent. Nor shall letters patent be granted to any alien whose government is at war with the Confederate States.

Inventors may dispose of right to use machines, &c., prior to application,

SEC. 28. *And be it further enacted*, That every person or corporation who has, or shall have purchased or constructed any newly invented machine, manufacture or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use and vend to others to be used, the specific machine, manufacture or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale or use, prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public, or that such purchase, sale or prior use has been for more than two years prior to such application for a patent.

during period of two years.

Remedy in case of interference extended to all cases where patents are refused.

SEC. 29. *And be it further enacted*, That the provisions of the fourteenth section of this act shall extend to all cases where patents are refused for any reason whatever, either by the commissioner of patents or by the Attorney General, upon appeals from the decision of said commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the commissioner of patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Fees paid by mistake may be repaid out of the patent fund.

SEC. 30. *And be it further enacted*, That the Treasurer of the Confederate States be and he hereby is authorized to pay back, out of the patent fund, any sum or sums of money to any person who shall have paid the same into the treasury, or to any receiver or depositary to the credit of the treasurer, as for fees accruing at the patent office through mistake, and which are not provided to be paid by existing laws, certificate thereof being made to the said treasurer by the commissioner of patents.

How oath to be administered abroad.

SEC. 31. *And be it further enacted*, That the oath required for applicants for patents may be taken, when the applicant is not for the time being residing in the Confederate States, before any minister plenipotentiary, charge d'affaires, consul, or commercial agent holding commission under the government of the Confederate States, or before any notary public of the foreign country in which such applicant may be: *Provided*, Such foreign state shall have recognized the independence of the Confederate States, and shall be at the time in amity with them.

To whom payments for patents to be made.

SEC. 32. *And be it further enacted*, That all patentees wishing to make payments for patents to be issued, may pay all such moneys to the treasurer of the Confederate States, or to the treasurer of either of the mints within the Confederate States, or to such other depositary as shall be designated by the Secretary of the Treasury or commissioner of patents, in other parts of the Confederate States, to receive such payments and give receipts or certificates of deposit therefor.



SEC. 33. *And be it further enacted*, That from all judgments and decrees of any district court rendered in any action, suit, controversy, or case at law or in equity, arising under any law of the Confederate States granting or confirming to inventors and discoverers the exclusive right to their inventions or discoveries, a writ of error or appeal, as the case may require, shall lie, at the instance of either party, to the supreme court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such district courts, without regard to the sum or value in controversy in the action.

Writ of error or appeal to the Supreme Court.

SEC. 34. *And be it further enacted*, That the commissioner of patents may establish rules for taking affidavits and depositions required in cases pending in the patent office, and such affidavits and depositions may be taken before any justice of the peace or other officer authorized by law to take depositions to be used in the courts of the Confederate States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the patent office it shall be lawful for any clerk of any court of the Confederate States for any district or territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpoenas for any witnesses residing or being within the said district or territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid residing within the said district or territory, at any time and place in the subpoena to be stated; and if any witness, after being duly served with such subpoena, shall refuse or neglect to appear, or after appearing shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpoena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the Confederate States may do in case of disobedience to process of *subpoena ad testificandum* issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the Confederate States: *Provided*, That no witness shall be required to attend at any place more than forty miles from the place where the subpoena shall be served upon him, to give a deposition under this law: *Provided, also*, That no witness shall be deemed guilty of contempt for refusing to disclose any secret invention made or owned by him: *And provided, further*, That no witness shall be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of this act, unless his fees for going to, returning from, and one day's attendance at the place of examination shall be paid or tendered to him at the time of the service of the subpoena.

Commissioner to prescribe rules for taking evidence.

Before whom to be taken.

Subpoenas for witnesses.

Failure of witness to attend, or refusal to testify.

Compensation.

When not required to attend.

When not deemed guilty of contempt.

SEC. 35. *And be it further enacted*, That no appeal shall be allowed to the Attorney General from the decisions of the examiners, except in interference cases, until after the application shall have been twice rejected; and the second examination of the application by the primary examiner shall not be had until the applicant, in view of the references given on the first rejection, shall have renewed the oath of invention as provided for in this act.

Appeal from decision of the examiners.

Second examination.

SEC. 36. *And be it further enacted*, That the salary of the commissioner of patents, from and after the passage of this act, shall be three thousand dollars per annum; that of the chief clerk eighteen hundred dollars per annum; that of each examiner of patents two thousand dollars per annum; and that of each regularly employed record or other clerk, one thousand dollars per annum.

Salaries of commissioner, clerks and examiners.

SEC. 37. *And be it further enacted*, That the commissioner of patents



When models is authorized to restore to the respective applicants, or when not removed may be restored. by them, to otherwise dispose of such of the models belonging to rejected applications as he shall not think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs and inventions. He is further authorized to dispense with models of designs, when the design and invention can be sufficiently represented by a drawing.

When dispensed with. SEC. 38. *And be it further enacted*, That the commissioner may require all papers filed in the patent office, if not correctly, legibly and clearly written, to be printed at the cost of the parties filing such papers; and for gross misconduct he may refuse to recognize any person as a patent agent, either generally or in any particular case; but the reasons of the commissioner for such refusal shall be duly recorded, and subject to the approval of the President of the Confederate States.

Printing of papers. SEC. 39. *And be it further enacted*, That no money paid as a fee on any application for a patent after the passage of this act shall be withdrawn or refunded, nor shall the fee paid on filing a caveat be considered

Fees paid on application for patents not to be refunded. as part of the sum required to be paid on filing a subsequent application for a patent for the same invention. That the three months' notice given to any caveator, in pursuance of the requirements of the eleventh

Fee paid on filing a caveat, how considered. section of this act, shall be computed from the day on which such notice is deposited in the post-office at the seat of government of this Confederacy, with the regular time for transmission of the same added thereto, which time shall be endorsed on the notice.

From what day the notice required by the 11th section computed. SEC. 40. *And be it further enacted*, That the following shall be the rates of fees in all cases, respectively:

On filing a caveat, ten dollars.

On filing each original application for a patent, except for a design, twenty dollars.

On issuing each original patent, twenty dollars.

On every appeal to the Attorney General, twenty-five dollars.

On every application for the re-issue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

For recording patents, as provided for in section forty-nine, ten cents for every hundred words.

For certified copies of patents and other papers, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, and other papers, of three hundred words or under, one dollar.

For recording every assignment and other paper, over three hundred words, and under one thousand words, two dollars.

For recording every assignment or other writing, if over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making the same.

Patents may be issued for original designs. SEC. 41. *And be it further enacted*, That any person or persons who, by his, her or their own industry, genius, efforts and expense, may have invented or produced any new and original design for a manufacture, whether of metal or other material or materials, an original design for a bust, statue, or bas-relief, or composition in basso or alto relieve, or any new or original impression or ornament, or to be placed on any article of manufacture, the same being formed in marble or other material, or any new and useful pattern, or print, or picture, to be either worked into or worked on, or printed, or painted, or cast, or otherwise fixed upon any article of manufacture, or any new and original shape or configuration of any article of manufacture not known or used by others before his, her or their invention or production thereof, and prior to the time of his, her or their application for a patent therefor, and who shall desire

to obtain an exclusive property or right therein, to make, use, sell and vend the same, or copies of the same, to others, by them to be made, used and sold, may make application in writing to the commissioner of patents expressing such desire; and the commissioner, on due proceedings had, may grant a patent therefor, as in the case now of application for a patent, for the term of three and one-half years, or for the term of seven years, or for the term of fourteen years, as the said applicant may elect in his application: *Provided*, That the fee to be paid in such application shall be for the term of three years and six months, ten dollars; for seven years, fifteen dollars; and for fourteen years, twenty dollars.

Term of patent.

Fees.

SEC. 42. *And be it further enacted*, That all applications for patents shall be completed and prepared for examination within two years after the filing of the petition, and in default thereof they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the commissioner of patents that such delay was unavoidable; and all applications now pending shall be treated as if filed after the passage of this act.

When applications to be completed.

When regarded as abandoned.

SEC. 43. *And be it further enacted*, That in all cases where an article is made or vended by any person under the protection of letters patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by fixing thereon the word patented, together with the day and year the patent was granted, or when, from the character of the article patented, that may be impracticable, by enveloping one or more of the said articles and affixing a label to the package, or otherwise attaching thereto a label, on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters patent by the party failing so to mark the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make or vend the article patented.

How patented articles to be marked.

On failure to mark them, no damages recoverable for infringement of letters patent, except, etc.

SEC. 44. *And be it further enacted*, That the commissioner of patents be and he is hereby authorized to print, or in his discretion to cause to be printed, ten copies of the description and claims of all patents which may hereafter be granted, and ten copies of the drawings of the same, when drawings shall accompany the patent: *Provided*, The cost of printing the text of said description and claims shall not exceed, exclusive of stationery, the sum of two cents per hundred words for each of said copies, and the cost of the drawing shall not exceed fifty cents per copy: one copy of the above number shall be printed on parchment, to be affixed to the letters patent. The work shall be under the direction and subject to the approval of the commissioner of patents, and the expense of the said copies shall be paid for out of the patent fund.

Commissioner to have printed descriptions and claims of patents, and drawings of the same.

Proviso.

SEC. 45. *And be it further enacted*, That printed copies of the letters patent of the Confederate States, with the seal of the patent office affixed thereto, and certified and signed by the commissioner of patents, shall be legal evidence of the contents of said letters patent in all cases.

Copies of letters patent to be evidence.

SEC. 46. *And be it further enacted*, That no discrimination shall be made between the inhabitants of the Confederate States, and those of other countries which shall not discriminate against the inhabitants of the Confederate States in regard to patent office fees; and should any country discriminate against the Confederate States, the same fees shall be charged against the inhabitants of said country as are charged by it against the inhabitants of the Confederate States.

Discrimination between persons in regard to patent office fees.

SEC. 47. *And be it further enacted*, That at the expiration of three years from the date of any patent hereafter to be issued, there shall be

Further fees to

be paid by patentee.

If not paid, patent deemed abandoned.

Patent fund appropriated for payment of expenses of the patent office.

Patents issued by the U. S. to continue in force.

Proviso.

Further proviso.

Further proviso.

Where slave is inventor, &c., his master may obtain patent for his invention.

Effect of patents issued by U. S. to citizens of foreign countries.

Proviso.

Commencement of act.

paid to the commissioner, by the patentee or assignee of such patent, a fee of ten dollars, and the same amount at the expiration of seven years; and if such fees are not so paid, such patent shall be deemed abandoned, and shall be null and void.

SEC. 48. *And be it further enacted*, That all moneys received by the commissioner under this act shall be by him paid into the treasury, and shall constitute a fund for the payment of the salaries of officers and clerks herein provided for, and all other expenses of the patent office, and to be called a patent fund.

SEC. 49. *And be it further enacted*, That all patents heretofore granted and issued by the United States to any person or persons now a citizen or citizens of either of the States of this Confederacy, or of the States of Tennessee, Arkansas, and North Carolina, or now held by assignment by any such citizen or citizens, shall continue in force for the term for which they were issued yet unexpired, and if assigned in part only to any citizen of this Confederacy, or of the States aforesaid, shall continue in force for such part: *Provided*, Said assignment was *bona fide* made prior to the fourth day of February, one thousand eight hundred and sixty-one: *Provided, further*, Nothing contained in this act shall be construed to recognize any renewal or extension of a patent by the United States, heretofore made: *Provided further*, That patents or the deed of assignment therefor provided for in this section, shall be recorded in the patent office of the Confederate States, and there also shall be deposited in said office such models or descriptive drawings as may be necessary to identify and explain the subject matter of said patents; and all persons claiming the benefit of this section shall pay to the commissioner of patents the sum of twenty dollars for the use of the patent fund; unless such patents are so filed for record, with such drawings or models as aforesaid, within nine months from the date of publication of this act, they shall be considered as abandoned, and shall be null and void. And it shall be the duty of the commissioner to endorse on each patent so filed for record the date of such filing, and also a certificate under the seal of his office that said patent has been recorded, which certificate shall be evidence of the fact in any court of justice, whether of the State or of the Confederacy, and of the rights of the owner thereof to use said patent; and such patents shall, after they are recorded, be returned to the owner thereof.

SEC. 50. *And be it further enacted*, That in case the original inventor or discoverer of the art, machine or improvement for which a patent is solicited is a slave, the master of such slave may take an oath that the said slave was the original inventor; and on complying with the requisites of the law, shall receive a patent for said discovery or invention, and have all the rights to which a patentee is entitled by law.

SEC. 51. *And be it further enacted*, That all patents issued by the government of the United States, in favor of citizens or subjects of foreign countries, prior to the eighth day of February last, shall have the same force and effect in these Confederate States as if issued under the authority of these States: *Provided*, That this section shall not take effect in favor of any alien enemy, holder or assignee of any such patent as aforesaid.

SEC. 52. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED May 21, 1861.



CHAP. XLVII.—*An Act to establish the judicial courts of the Confederate States of America, in the State of Virginia.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* the State of Virginia shall constitute two judicial districts, the territorial boundaries of which shall be the same as those existing by force of the laws of the United States, when the said State of Virginia seceded from the United States, and shall be known and designated as the eastern and western judicial districts of the Confederate States of America, in Virginia. Two judicial districts established in Virginia.

SEC. 2. *Be it further enacted,* That a judge and marshal and attorney shall be appointed by the President of the Confederate States for each of said districts; and that the jurisdiction exercised by the said district courts and the judges thereof shall be the same in all respects as that exercised by the other district courts of the Confederate States and the judges of such courts, respectively; and that the said courts shall in all respects be subject to the provisions of the act entitled "An act to establish the judicial courts of the Confederate States of America." Judge, marshal and attorney for each district. Jurisdiction of the court.

APPROVED May 21, 1861

CHAP. XLVIII.—*An Act to prescribe the mode of publishing the laws and treaties of the Confederate States.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* it shall be the duty of the Attorney General to select from the laws and resolutions passed at each session, such as may be of a public nature and which in his judgment require immediate publication, and cause the same to be inserted weekly, for one month, in one public gazette published at the seat of government in each State, and also in two gazettes published at the capital of the Confederate States. Publication of the laws and resolutions.

SEC. 2. All treaties entered into by the Confederate States shall be published in the same manner; but the President may, in his discretion, order the publication of particular treaties in other gazettes published at other places. Of treaties.

SEC. 3. The compensation for publication of the laws in the gazettes shall not exceed one dollar and a half per page, estimated according to Little & Brown's edition of the laws of the United States. Compensation.

APPROVED May 21, 1861.

CHAP. XLIX.—*An Act to prescribe the salary of the private secretary of the President of the Confederate States.* May 21, 1861.

*The Congress of the Confederate States [of America] do enact, That* from and after the passage of this act, the salary of the private secretary of the President of the Confederate States shall be at the rate of fifteen hundred dollars per annum. Salary of President's private secretary.

SEC. 2. All laws and parts of laws militating against this act, be and the same are hereby repealed. Repealing clause.

APPROVED May 21, 1861.

May 21, 1861. CHAP. L.—An Act to amend an act entitled “An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes and prize goods, approved May sixth, one thousand eight hundred and sixty-one.”

Act of 6th May, 1861, ch. 3, § 10, amended.  
Pay to cruisers of private armed vessels for sinking or destroying war vessels of the enemy.

*The Congress of the Confederate States [of America] do enact, That* the tenth section of the above entitled act be so amended that, in addition to the bounty therein mentioned, the government of the Confederate States will pay to the cruiser or cruisers of any private armed vessel commissioned under said act, twenty per centum on the value of each and every vessel of war belonging to the enemy, that may be sunk or destroyed by such private armed vessel or vessels, the value of the armament to be included in the estimate. The valuation to be made by a board of naval officers appointed, and their award to be approved by the President, and the amount found to be due to be payable in eight per cent. bonds of the Confederate States.

Rights and privileges conferred on inventor of armed vessels, floating batteries or defenses.

SEC. 2. That if any person who may have invented or may hereafter invent any new kind of armed vessel, or floating battery, or defence, shall deposit a plan of the same, accompanied by suitable explanations or specifications, in the navy department, together with an affidavit setting forth that he is the inventor thereof, such deposit and affidavit (unless the facts set forth therein shall be disproved) shall entitle such inventor or his assigns to the sole and exclusive enjoyment of the rights and privileges conferred by this act, reserving, however, to the government, in all cases, the right of using such invention.

APPROVED May 21, 1861.

May 21, 1861. CHAP. LI.—An Act to provide for the pay of additional officers, non-commissioned officers, musicians and privates of the marine corps, to constitute a regiment, and for the additional clothing and subsistence of the non-commissioned officers, musicians and privates, for the year ending February the eighteenth, eighteen hundred and sixty-two.

Appropriation for additional officers, &c., of the marine corps.

*The Congress of the Confederate States of America do enact, That* the sum of ninety-five thousand two hundred and forty dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the pay of additional officers, musicians and privates of the marine corps, and subsistence for same for and during the year ending February the eighteenth, eighteen hundred and sixty-two, said sum to be appropriated as follows: one colonel, (for nine months,) two thousand dollars; lieutenant colonel, (for nine months,) eighteen hundred dollars; quartermaster, (additional,) five hundred dollars; paymaster, (additional,) five hundred dollars; adjutant, (additional,) five hundred dollars; four captains, five thousand two hundred dollars; four first lieutenants, three thousand six hundred dollars; fourteen second lieutenants, ten thousand and eighty dollars; additional non-commissioned officers and musicians, four thousand eight hundred dollars; two hundred and forty additional privates at eleven dollars per month, twenty-three thousand seven hundred and sixty dollars; additional clothing for non-commissioned officers, musicians and privates, fifteen thousand dollars; additional rations for non-commissioned officers, musicians and privates, sixty-six thousand rations at sixteen thousand five hundred dollars; additional expenses of recruiting, transportation of officers and men, five thousand dollars; pay of armories and purchase of small arms, ordnance stores, accoutrements, flags, &c., four thousand dollars; contingencies, including freight, cartage, &c., two thousand dollars.

Clothing, subsistence, &c.

APPROVED May 21, 1861.

CHAP. LII.—*An Act to increase the clerical force of the Treasury Department, in the bureau of second auditor.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* the clerical force in the office of second auditor of the treasury department, shall consist as follows: one chief clerk, at a salary of fourteen hundred dollars per annum; five clerks at salaries, each, of twelve hundred dollars per annum; and five clerks with salaries, each, of one thousand dollars per annum: *Provided, That* the Secretary of the Treasury shall have the same power to distribute said clerks among the other bureaux of the Treasury department, if in his judgment the public interest requires, as is given to him by the act "to create the clerical force of the several executive departments of the Confederate States of America," approved March seventh, eighteen hundred and sixty-one.

Clerks in the office of the 2d auditor of the treasury department. Salaries.

May be distributed among the other bureaux of the department.

APPROVED May 21, 1861.

CHAP. LIII.—*An Act to authorize certain debtors to pay the amounts due by them into the treasury of the Confederate States.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* all persons in any manner indebted to individuals or corporations in the United States of America, (except the States of Delaware, Maryland, Kentucky and Missouri, and the District of Columbia,) be and are hereby prohibited from paying the same to their respective creditors, or their agents or assignees, pending the existing war waged by that government against the Confederate States, or any one of the slaveholding States before named.

Persons indebted to individuals, &c., of the U. S., prohibited, during the war, from paying.

SEC. 2. Any person indebted as aforesaid shall be and is hereby authorized to pay the amount of his indebtedness into the treasury of the Confederate States, in specie or treasury notes, and shall receive from the treasurer a certificate, countersigned by the register, showing the amount paid and on what account, and the rate of interest which the same was bearing.

To pay the amount into the treasury of the C. S.

Treasurer's certificate.

SEC. 3. Such certificate shall bear like interest with the original contract, and shall be redeemable at the close of the war and the restoration of peace, in specie or its equivalent, on presentation of the original certificate.

Certificate to bear interest.

When redeemable, and in what

SEC. 4. All laws and parts of laws militating against this act be and the same are hereby repealed.

Repealing clause.

APPROVED May 21, 1861.

CHAP. LIV.—*An Act to transfer the testimony taken by commission in certain suits therein named, brought in the circuit and district courts of the United States of America to the State courts of the Confederate States, and to authorize the same to be read in said State Courts.* May 21, 1861.

*The Congress of the Confederate States of America do enact, That* in all cases where suits have been instituted in the circuit or district courts of the United States of America, whether at law or in equity, by a citizen or citizens of one of the Confederate States of America, against a citizen or citizens of another of the said Confederate States, and said suits or any of them shall be recommenced in the State courts of any of the Confederate States, the evidence taken, in such suits whilst pending in the circuit or district courts of the United States, by

Evidence taken in suits instituted in the circuit or district courts of the U. S., recommenced in the State courts of the C. S., to be read on the trial in the State courts.



Rules and regulations.

commission, shall be read upon the trial of such suits so recommenced in the State courts aforesaid, under such rules and regulations as obtain respectively in the State courts of the Confederate States; except that no objection shall be good and available to the execution and return of the commissions for taking testimony, which would not be good and available in the circuit or district courts of the United States from which they issued; and that all consents between parties or their attorneys, entered into touching the return and execution of commissions for taking testimony and as to the admissibility of evidence, entered into in the said suits whilst pending in the said courts of the United States, shall be valid, and obtain in the said suits so recommenced in the State courts of the Confederate States.

Clerks of the district courts of the C. S. to transmit such testimony to the clerks of the State courts.

SEC. 2. That upon the application of either party, his agent or attorney, it shall be the duty of the clerk of the district courts of the Confederate States to transmit under his hand and seal, duly certified, all the testimony taken by commission in any case so brought as aforesaid, in any of the circuit or district courts of the United States, to the clerk of the State court where the same may be recommenced, as well as all consents as aforesaid, touching the execution and return of commissions and the admissibility of testimony. That he shall receive for such service the sum of one dollar, to be paid by the party applying for the same, which sum shall be taxed in the bill of cost in the State courts, and abide the result of the suit as other costs in like cases.

Clerk's fee.

State of Arkansas to constitute two judicial districts.

SEC. 3. *Be it further enacted*, That the State of Arkansas shall constitute two judicial districts, the limits and boundaries of which and the officers thereof shall be the same as existed by force of the laws of the United States when the State of Arkansas seceded from the United States; and such districts shall be known and designated as the eastern and western judicial districts of the Confederate States of America in Arkansas.

Judge, marshal and attorneys for each district.

Jurisdiction of the court.

SEC. 4. *Be it further enacted*, That the judge, marshals and attorneys for said districts shall be appointed by the President, and that the jurisdiction exercised by said district courts and the judges thereof shall be the same in all respects as that exercised by the other district courts of the Confederate States, and judges thereof; and that the said courts shall in all respects be subject to the provisions of the act entitled "An act to establish the judicial courts of the Confederate States of America."

APPROVED May 21, 1861.

May 21, 1861.

CHAP. LV.—*An Act to prohibit the exportation of cotton from the Confederate States, except through the seaports of said States; and to punish persons offending therein.*

Export of cotton except through the seaports of the C. S., prohibited.

*The Congress of the Confederate States of America do enact*, That from and after the first day of June next, and during the existence of the blockade of any of the ports of the Confederate States of America by the government of the United States, it shall not be lawful for any person to export any raw cotton or cotton yarn from the Confederate States of America, except through the seaports of the said Confederate States; and it shall be the duty of all the marshals and revenue officers of the said Confederate States, to prevent all violations of this act.

Duty of marshals and revenue officers.

Penalty for violating this act.

SEC. 2. If any person shall violate, or attempt to violate or evade the provisions of the foregoing section, he shall forfeit all the cotton or cotton yarn thus attempted to be illegally exported, for the use of the Confederate States; and in addition thereto he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding

five thousand dollars, or else imprisoned in some public jail or penitentiary for a period not exceeding six months, at the discretion of the court, after conviction upon trial by a court of competent jurisdiction.

SEC. 3. Any person informing as to a violation or attempt to violate the provisions of this act, shall be entitled to one-half the proceeds of the articles forfeited by reason of his information.

Informor entitled to one half proceeds of articles forfeited.

SEC. 4. Any justice of the peace, on information under oath from any person, of a violation or attempt to violate this act, may issue his warrant and cause the cotton or cotton yarn specified in the affidavit to be seized and retained until an investigation can be had before the courts of the Confederate States.

Justice may issue warrant for the seizure of cotton.

SEC. 5. Every steamboat or railroad car which shall be used with the consent of the owner or person having the same in charge, for the purpose of violating this act, shall be forfeited in like manner to the use of the Confederate States. But nothing in this act shall be so construed as to prohibit exportation of cotton to Mexico through its co-terminous frontier.

Steamboats, &c., used in violating his act, forfeited.

Exportation of cotton to Mexico allowed.

APPROVED May 21, 1861.

CHAP. LVI.—*An Act to provide for the pay of the officers who have resigned from the United States navy, and whom it is proposed to add to the Confederate States navy.* May 21, 1861.

*Be it enacted by the Congress of the Confederate States of America,* That the sum of three hundred and fifty-two thousand six hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended in the pay of the officers who have resigned from the United States navy, and whom it is proposed to add to that of the Confederate States, said sum to be appropriated as follows: for the pay of twelve captains, on and off duty, forty thousand dollars; twenty-nine commanders, on and off duty, seventy-one thousand dollars; eighty lieutenants, one hundred and thirty-nine thousand four hundred dollars; twenty-five surgeons, including passed assistant surgeons, fifty-six thousand two hundred dollars; twelve assistant surgeons, fourteen thousand four hundred dollars; sixteen paymasters, thirty-one thousand six hundred dollars. To pay Captains Lawrence Rousseau, Josiah Tatnall, Victor M. Randolph, and Duncan M. Ingraham, and Commander Raphael Semmes certain travelling expenses, as per resolution of March fifteenth, one thousand eight hundred and sixty-one, five hundred and ninety-three dollars.

Appropriation for pay of officers of the U. S. navy who have resigned and whom it is proposed to add to that of the C. S.

APPROVED May 21, 1861.

CHAP. LVII.—*An Act to make temporary disposition of certain railroad iron.*

May 21, 1861.

WHEREAS, In furtherance of a contract between Thomas C. Bates, an alien enemy residing in the State of New York, and the Memphis, El Paso and Pacific railroad company, a large quantity of railroad iron is on deposit at New Orleans and on the Mississippi and Red rivers, intended by said contract for said road, and said alien being now incapable of carrying on his contract—

Preamble.

*The Congress of the Confederate States of America do enact,* That said Memphis, El Paso and Pacific railroad company be and is hereby authorized to take possession of said iron upon payment of duty and lawful charges, if any, and lay the same on their road, upon giving bond to the Secre-

Disposition of certain railroad iron.

tary of the Treasury, to respond for the payment of said iron, as Congress may hereafter direct, the ultimate rights of all persons being hereby reserved until such legislation.

APPROVED May 21, 1861.

May 21, 1861. CHAP. LVIII.—*An Act to provide for the cession, on the part of the State of Arkansas, of the Arsenal at Little Rock, and of Fort Smith, at the city of Fort Smith, in the State of Arkansas to the Confederate States of America, and the acceptance of the same by the said Confederate States.*

Preamble.

WHEREAS, By ordinance of the Convention of the State of Arkansas, passed the eleventh day of May, one thousand eight hundred and sixty-one, herewith submitted, authority was conferred upon the delegation of the State of Arkansas to cede to the Confederate States the arsenal at Little Rock, and Fort Smith at the city of Fort Smith, in the State of Arkansas, and the grounds, buildings and appurtenances attached to each, in accordance with the terms of said ordinance, therefore—

Acceptance of the cession of certain arsenals of the State of Arkansas.

Deed of cession.

*The Congress of the Confederate States of America do enact, That the cession as hereinbefore recited is hereby accepted, and it is now made the duty of the Secretary of War to accept a deed of cession of the said arsenal and other property to be executed by the said delegation, and to take charge of and hold the same in the name of the government of the Confederate States of America.*

APPROVED May 21, 1861.

May 21, 1861.

CHAP. LIX.—*An Act relative to prisoners of war.*

Prisoners of war; transfer, custody and sustenance of.

*The Congress of the Confederate States of America do enact, That all prisoners of war taken, whether on land or at sea, during the pending hostilities with the United States, shall be transferred by the captors from time to time, and as often as convenient, to the Department of War; and it shall be the duty of the Secretary of War, with the approval of the President, to issue such instructions to the Quartermaster General and his subordinates as shall provide for the safe custody and sustenance of prisoners of war; and the rations furnished prisoners of war shall be the same in quantity and quality as those furnished to enlisted men in the army of the Confederacy.*

1861, ch. 3, § 3, p. 102.

Officers, crew, &c., of unarmed vessels not to be held as prisoners of war.

SEC. 2. That the eighth section of the act entitled "An act recognizing the existence of war between the United States and the Confederate States, and concerning letters of marque, prizes and prize goods," shall not be so construed as to authorize the holding as prisoners of war the officers or crew of any unarmed vessel, nor any passengers on such vessel, unless such passengers be persons employed in the public service of the enemy.

1861, ch. 3, § 10, p. 102.

When bounty allowed for prisoners captured on armed ships or vessels.

SEC. 3. That the tenth section of the above recited act shall not be so construed, as to allow a bounty for prisoners captured on vessels of the enemy and brought into port, unless such prisoners were captured on board of an armed ship or vessel of the enemy of equal or superior force to that of the private armed vessel making the capture.

APPROVED May 21, 1861.



CHAP. LX.—*An Act for the publication of the laws.*

May 21, 1861.

*The Congress of the Confederate States of America do enact, That* Acts of Congress to be published.  
 five hundred copies of the acts of this session of Congress be published forthwith in pamphlet form, to be distributed as follows : one copy to the executive of each of the Confederate States ; one to each judge of the district courts of the Confederate States ; one to the executive of the Confederacy ; one to the head of each department and of each bureau ; one to each member of Congress, and one to each clerk of the district courts ; and the remainder to be kept in the office of the Department of Justice, for the further order of Congress. How distributed.

APPROVED May 21, 1861.

CHAP. LXI.—*An Act making appropriations for the support of the navy, for the year ending eighteenth of February, eighteen hundred and sixty-two.*

May 21, 1861.

*The Congress of the Confederate States [of America] do enact, That* Specific appropriations for the navy.  
 the following sums be and the same are hereby appropriated, for the objects hereinafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two :

*Navy*—For purchase of nautical instruments, books and charts for Confederate States navy, five thousand five hundred dollars. For equipment and repair of vessels of Confederate States navy, one hundred thousand dollars. For laboratory for safe-keeping ordnance stores, and labor in preparing them, thirty-seven thousand dollars. For ordnance and ordnance stores, eighty thousand dollars. For "contingent enumerated," for the following purposes, viz : Freight and transportation ; printing and stationery ; advertising, models and drawings ; repair of fire engines and hose repairs, and attending to steam engines in yards ; purchase and maintenance of horses and oxen and drawing teams ; carts, lumber, wheels, and the purchase and repair of workmen's tools ; postage on public letters ; fuel, oil and candles for navy yards and shore stations ; pay of watchmen and incidental labor not chargeable to other appropriations ; wharfage, dockage and rent ; travelling expenses of officers and others under orders ; funeral expenses ; store and office rent ; commissions and pay of navy agents and clerks ; flags, awnings and packing boxes ; books for libraries of vessels ; premiums and other expenses of recruiting ; apprehending deserters ; per diem pay of persons attending courts martial, courts of inquiry, and other services authorized by law ; pay of judge advocate ; pilotage and tonnage of vessels, and assistance to vessels in distress ; and for bills of health and quarantine expenses ;—fifty thousand dollars. For medical supplies and surgeons' necessaries for sick of navy, engineer and marine corps, six thousand dollars.

APPROVED May 21, 1861.

CHAP. LXII.—*An Act supplemental to an act to establish the Judicial Courts of the Confederate States of America.*

May 21, 1861.

*The Congress of the Confederate States of America do enact, That* When judge of district court cannot sit on trial :  
 in all suits and actions in any district court of the Confederate States, in which the judge of such court may be interested, or may have been of counsel of either party, or is connected with or related to either what proceedings.

party, so as to render it improper for him to sit on the trial of such suit or action, it shall be his duty to cause the fact to be entered on the records of the court; also an order that an authenticated copy thereof, and a copy of all the proceedings, orders, pleadings and papers in such suit or action, shall be forthwith certified to the most convenient district court free from like objection; which said district court, upon such record being filed with the clerk thereof, shall take cognizance thereof, in the like manner as if such suit or action had been originally commenced in said court, and shall proceed to hear and determine the same accordingly. And the jurisdiction of such district court shall extend to all such cases so removed as were cognizable in the district court from which the same were removed.

Transfer of appeal or writ of error from district court to supreme court, where the judge of the district court rendered the decision appealed from.

Copy of the record.

Further time allowed parties to appeal or sue out writ of error from judgments, &c., of the late district or circuit courts of the U. S.

Official bonds of clerks and marshals, where deposited.

Suit may be maintained on a copy.

When necessary to produce the original, and how obtained.

Department of Justice to provide accommodations for holding courts, and to furnish books.

Act of 1861, ch. 61, sec. 48, p. 85, amended.

Either party to appeals, &c., in

SEC. 2. When any appeal or writ of error was pending in any of the late circuit courts of the United States, from any of the late district courts of the United States, and the judge of the present district court to which such appeal or writ of error is transferred is the same person who rendered the decree or judgment from which such appeal or writ of error was taken, then such appeal or writ of error shall be transferred to the supreme court of the Confederate States, upon the party giving bond and surety, as required by law in case of an appeal or writ of error sued out to said supreme court. And an authentic copy of the record, under the seal of the district court, shall be sent along with such bond to the said supreme court, which court shall thereupon proceed to hear and determine the same, as in other cases.

SEC. 3. When in any case heretofore decided in any of the late district or circuit courts of the United States, either party had the right to appeal, or to prosecute a writ of error, so as to suspend execution, but have been prevented from so doing within the time fixed by law, by the closing of the courts on the secession of the several States, in all such cases a further period of six months from the time of holding the first term of the district court of the Confederate States in such district shall be allowed such party, within which to take an appeal or sue out a writ of error; and such appeal or writ of error shall have the same effect as if sued out or taken within the time prescribed by the former laws.

SEC. 4. The official bonds of all clerks and marshals of the courts of the Confederate States shall be deposited in the Department of Justice. In case of any suit thereon, in favor or for the use either of the government or of an individual or a corporation, such suit may be maintained on a copy of such bond, authenticated by said department under its seal, in the same manner as upon the original. But if the execution of such bond shall be *desired* by any party thereto, by a plea of *non est factum*, supported by affidavit, then it shall be necessary to produce the original before the trial of such suit; and in such case the said department shall transmit the original bond, retaining a copy thereof, to the court in which such suit is pending; but the same shall be returned to the said department when the suit is ended.

SEC. 5. Where, in any case, there is no building provided for holding a court of the Confederate States, it shall be the duty of the Department of Justice to provide suitable accommodations for holding it, and to furnish the necessary books for records and dockets for the proper conducting of the business of the court, subject in all instances to the approval of the President.

SEC. 6. The forty-eighth section of the act to which this is a supplement shall be and the same is hereby amended, so as to permit either party to file the transcript of the record and copy of the bonds, as therein required, in the supreme court of the Confederate States,

without dismissing the appeal or writ of error in the supreme court of the United States, where the said court refuses to dismiss the same upon motion; and that the said section be also amended so as to allow the period of twelve months from the time of the organization of the supreme court of the Confederate States for filing such transcript and bond, instead of the time in said section prescribed.

APPROVED May 21, 1861.

CHAP. LXIII.—*An Act relative to the library of Congress.*

May 21, 1861.

*The Congress of the Confederate States of America do enact, That* the books purchased by the committee appointed to revise the laws of the United States, be delivered to the Secretary of Congress, and be retained by him for the use and benefit of the members of Congress; and the secretary sell the furniture and other effects belonging to the government, which shall be turned over by the committee on revision.

Secretary of Congress to take charge of books purchased by the committee appointed to revise laws of the U. S. To sell the furniture, &c., turned over to said committee.

APPROVED May 21, 1861.

CHAP. LXIV.—*An Act for the relief of district attorneys of the Confederate States in the field.*

May 21, 1861.

*The Congress of the Confederate States of America do enact, That* whenever a district attorney of the Confederate States may enter the military service of the Confederate States, he may, by the consent of the district judge, entered of record, appoint an attorney *pro tempore* during his absence.

When district judge may appoint an attorney *pro tempore*.

APPROVED May 21, 1861.

CHAP. LXV.—*An Act to secure copy rights to authors and composers.*

May 21, 1861.

*The Congress of the Confederate States of America do enact, [That]* any person or persons being a citizen or citizens of the Confederate States, or resident therein, who shall be the author or authors of any book or books, map, chart or musical composition, which may be now made or composed, and not printed and published, or shall hereafter be made or composed, or who shall invent, design, etch, engrave, work, or cause to be engraved, etched or worked from his own design, any print or engraving, and the executors, administrators or legal assigns of such person or persons, shall have the sole right and liberty of printing, reprinting, publishing, and vending such book or books, map, chart or musical composition, print, cut or engraving, in whole or in part, for the term of twenty-eight years from the time of recording the title thereof, in the manner hereinafter directed.

Exclusive right of publishing, &c., vested in authors &c., and their assigns.

SEC. 2. No person shall be entitled to the benefit of this act, unless he shall, before publication, deposit a printed copy of the title of such book or books, map, chart, musical composition, print, cut or engraving, in the clerk's office of the district court of the district wherein the author or proprietor shall reside. And the clerk of such court is hereby directed and required to record the same thereof forthwith, in a book to be kept for that purpose, in the words following (giving a copy of the title, under the seal of the court, to the said author or proprietor, whenever

Period.

Copy of title to be deposited with the clerk of the district court.

Record thereof.



he shall require the same) : *District of* *to-wit: Be it remembered that on the* *day of* *Anno Domini,* *A B, of the said district hath deposited in this office the title of a book* (map, chart or otherwise as the case may be), *the title of which is in the words following, to-wit* (here insert the title) : *the right whereof he claims as author* (or proprietor as the case may be), *in conformity with an act of Congress entitled "An act to secure copy rights to authors and composers."* *C D, clerk of the district."* For which record the clerk shall be entitled to receive from the person claiming such right as aforesaid, fifty cents; and the like sum for every copy, under seal, actually given to such person or his assigns. And the author or proprietor of any such book, map, chart, musical composition, print, cut or engraving, shall, within three months from the publication of said book, map, chart, musical composition, print, cut or engraving, deliver or cause to be delivered a copy of the same to the clerk of said district. And it shall be the duty of the clerk of each district court, at least once in every year, to transmit a certified list of all such records of copy-right, including the titles so recorded, and the dates of record; and also all the several copies of books or other works deposited in his office according to this act, to the Secretary of State, to be preserved in his office.

Fees.

Copy to be delivered within three months from publication.

List and copies to be annually transmitted to the State department.

Notice of copy-right to be printed on title page, &c.

Copies to be sent to department of State.

When copyright to be renewed.

Record.

Copy of record to be published.

Assignments to be acknowledged and recorded.

SEC. 3. No person shall be entitled to the benefit of this act, unless he shall give information of copy-right being secured, by causing to be inserted in the several copies of each and every edition published during the term secured, on the title page, or page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, or engraving, by causing to be impressed on the face thereof; or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, viz.: "*Entered according to act of Congress, in the year* *by A B, in the clerk's office of the district court of* *, (as the case may be.)*"

SEC. 4. The author or proprietor of any book, map, chart, musical composition, print, cut or engraving, for which a copy-right shall be secured under the existing acts of Congress, or those which shall hereafter be enacted respecting copy-rights, shall, within three months from the publication of said book, map, chart, musical composition, print, cut or engraving, deliver or cause to be delivered one copy of the same to the Department of State, for the use of Congress.

SEC. 5. If, at the expiration of the aforesaid term of years, such author, inventor, designer, engraver, or any of them, when the work had been originally composed and made by more than one person, be still living, and a citizen or citizens of the Confederate States, or resident therein, or being dead, shall have left a widow or child or children, either or all of them living, the same exclusive right shall be continued to such author, designer or engraver; or if dead, then to such widow and child or children, for the further term of fourteen years: *Provided*, That the title of the work so secured shall be a second time recorded, and all such other regulations as are herein required in regard to original copy-rights, be complied with in respect to such renewed copy-right, and that within six months before the expiration of the first term.

SEC. 6. In all cases of renewal of copy-right under this act, such author or proprietor shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more of the newspapers printed in the Confederate States, for the space of four weeks.

SEC. 7. All deeds or instruments in writing for the transfer or assignments of copy-rights, being proved or acknowledged in such manner as deeds for the conveyance of land, are required by law to be proved or

acknowledged in the same State or district, shall and may be recorded in the office where the original copy-right is deposited and recorded; and every such deed or instrument that shall in any time hereafter be made and executed, and which shall not be proved or acknowledged and recorded as aforesaid, within sixty days after its execution, shall be judged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without notice.

SEC. 8. The clerk of the district court shall be entitled to such fees for performing the services herein authorized and required, as he is entitled to for performing like services under existing laws of the Confederate States. Fees for recording.

SEC. 9. The district courts of the Confederate States shall have original cognizance, as well in equity as at law, of all actions, suits, controversies and cases arising under any law of the Confederate States, granting or confirming to authors or inventors, the exclusive right to their respective writings, inventions and discoveries; and upon any bill in equity filed by any party aggrieved in any such cases, shall have authority to grant injunctions, according to the course and principles of courts of equity to prevent the violation of the rights of any authors or inventors, secured to them by any laws of the Confederate States, on such terms and conditions as the said courts may deem fit and reasonable: *Provided, however,* That from all judgments and decrees of any district courts, rendered in the premises, a writ of error or appeal, as the case may require, shall lie to the supreme court of the Confederate States, in the same manner and under the same circumstances as is now provided by law in other judgments and decrees of such district courts, without regard to the amount of the decree, verdict or judgment appealed from. Jurisdiction of the district courts.

SEC. 10. If any other person or persons, from and after the recording of the title of any book or books, according to this act, shall, within the term or terms herein limited, print, publish or import, or cause to be printed, published or imported, any copy of such book or books, without the consent of the person legally entitled to the copy-right thereof, first had and obtained in writing, signed in presence of two or more credible witnesses, or shall, knowing the same to be so printed or imported, publish, sell, or expose to sale, or cause to be published, sold or exposed to sale, any copy of such book without such consent in writing, then such offender shall forfeit every copy of such book to the person legally at the time entitled to the copy-right thereof; and shall also forfeit and pay fifty cents for every such sheet which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this act; the one moiety thereof to such legal owner of the copy-right as aforesaid, and the other to the use of the Confederate States; to be recovered by action of debt in any court having competent jurisdiction thereof. Power to grant injunctions.

SEC. 11. If any person or persons, after the recording the title of any print, cut or engraving, map, chart or musical composition, according to the provisions of this act, shall, within the term or terms limited by this act, engrave, etch or work, sell or copy, or cause to be engraved, etched, worked or sold, or copied, either in the whole, or by varying, adding to, or diminishing the main design, with intent to evade the law; or shall print or import for sale, or cause to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the copy-right thereof, first obtained in writing, signed in the presence of two credible witnesses, or knowing the same to be so printed or imported without such consent as aforesaid, then such offender or offenders shall be liable to the same penalties as are provided by law in other cases of infringement of copy-right. Writ of error or appeal.

Penalty for violation of copyright.

For infringement as to prints, maps, charts and musical compositions.

shall forfeit the plate or plates on which such map, chart musical composition, engraving, cut or print shall be copied, and also all and every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copy-right thereof; and shall further forfeit one dollar for every sheet of such map, chart, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this act; the one moiety thereof to the proprietor or proprietors, and the other moiety to the use of the Confederate States; to be recovered in any court having jurisdiction thereof.

Printing, &c., of works of aliens, not prohibited.

SEC. 12. Nothing in this act shall be construed to extend to prohibit the importation or vending, printing or publishing, of any map, chart, musical composition, print or engraving, written, composed or made, by any person not being a citizen of the Confederate States, nor resident within the jurisdiction thereof, except as hereinafter provided for.

Penalty for unauthorized publication of manuscript.

SEC. 13. Any person or persons who shall print or publish any manuscript whatever, without the consent of the author or legal proprietor first obtained as aforesaid (if such author or proprietor be a citizen of the Confederate States, or resident therein), shall be liable to suffer and pay the author and proprietor all damages occasioned by such injury; to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof: And the several courts of the Confederate States empowered to grant injunctions to prevent the violation of the rights of authors and inventors, are hereby empowered to grant injunctions in like manner, according to the principles of equity, to restrain such publication of any manuscript as aforesaid.

Courts may grant injunctions.

Copyright in dramatic compositions to include the exclusive right of representation.

SEC. 14. Any copy-right hereafter granted under the laws of the Confederate States, to the author or proprietor of any dramatic composition, designed or suited for public representation, shall be deemed and taken to confer upon the said author or proprietor, his heirs or assigns, along with the sole right to print and publish the said composition, the sole right also to act perform or represent the same, or cause it to be acted, performed or represented, on any stage or public place, during the whole period for which the copy-right is obtained; and any manager, actor or other person acting, performing or representing the said composition, without or against the consent of the said author or proprietor, his heirs, or assigns, shall be liable for damages, to be sued for and recovered by action on the case or other equivalent remedy, with costs of suit, in any court of the Confederate States. Such damages in all cases to be rated and assessed at such sum not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court having cognizance thereof shall appear to be just: *Provided, nevertheless,* That nothing herein enacted shall impair any right to act, perform or represent a dramatic composition as aforesaid, which right may have been acquired, or shall in future be acquired by any manager, actor or other person previous to the securing of the copy-right for the said composition, or to restrict in any way the right of such author to process in equity in any court of the Confederate States, for the better and further enforcement of his right.

Damages for violation.

Prior rights to be protected.

Person sued, &c., may plead general issue, and give special matter in evidence.

SEC. 15. If any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

Penalty for publication of pretended copyright.

SEC. 16. If any person or persons from and after the passing of this act, shall print or publish any book, map, chart, musical composition, print, cut or engraving, not having legally acquired the copy-right thereof, and shall insert or impress that the same hath been entered according to act of Congress, or words purporting the same, every person so offending shall



forfeit and pay one hundred dollars; one moiety thereof to the person who shall sue for the same, and the other to the use of the Confederate States; to be recovered by action of debt in any court of record having cognizance thereof.

SEC. 17. No action or prosecution shall be maintained in any case of forfeiture or penalty under this act, unless the same shall have been commenced within two years after the cause of action shall have arisen. Limitation of actions.

SEC. 18. *Be it further enacted*, That all the rights and privileges allowed by this act to authors, composers and designers, citizens of the Confederate States, be and are hereby extended to authors, composers and designers, citizens or subjects of any foreign State or power, by whose laws like rights and privileges are granted to the citizens of this Confederacy, on the following conditions, viz.: *First*, that copy-rights shall be applied for in this Confederacy within four months from the time of the publication of the original in the foreign State to which the applicant owes allegiance. *Second*, that the actual and *bona fide* publication of the book or other thing for which copy-right is sought, shall be commenced within the limits of this Confederacy within six months from the date of the granting of such copy-rights. On failure to comply with either of these conditions, all the rights and privileges attaching to the copy-right granted, shall cease and be of no effect. Privileges of this act extended to foreigners on certain conditions

SEC. 19. *Be it further enacted*, That all reprints or publications of books, maps, charts, musical and other compositions and designs, for which copy-rights may be granted under the provisions of the foregoing section, made or had in any State or country, denying the privilege of copy-right to the author, composer or designer thereof, shall not be introduced for sale into the Confederate States; and any person introducing or selling such reprints, shall be liable to all the penalties herein before prescribed for a violation of copy-rights. On failure to comply with conditions, privilege to cease.  
Reprints or publications prohibited from sale in the C. S.

SEC. 20. *Be it further enacted*, That this act take effect and be in force from and after its passage. Penalty.  
Commencement of act.

APPROVED May 21, 1861.

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CHAP. LXVI.—*An Act assigning the judge, district attorney and marshal for the district of Texas to the Eastern district of said State.* May 21, 1861.

*The Congress of the Confederate States of America do enact*, That the district judge, heretofore denominated the district judge for the district of Texas, be hereafter denominated the district judge for the Eastern district of Texas; and that the district attorney heretofore denominated the district attorney for the district of Texas, be hereafter denominated the district attorney for the Eastern district of Texas; and the marshal heretofore denominated the marshal for the district of Texas, be hereafter denominated the marshal for the Eastern district of Texas. The judge district attorney and marshal for the district of Texas, assigned to the Eastern district of said State.

APPROVED May 21, 1861.

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CHAP. LXVII.—*An Act making appropriation to defray the expenses of removing the seat of government to Richmond, Virginia.* May 21, 1861.

*The Congress of the Confederate States of America do enact*, That the following appropriation is made, out of any money in the treasury not otherwise appropriated, for the object hereafter expressed, for the year Appropriation to defray the expenses of removing

the seat of government, &c. ending eighteenth of February, eighteen hundred and sixty-two: For rent of executive buildings and President's house, furniture, expenses of packing books and records, railroad freight on furniture, books and records of the government, from Montgomery to Richmond, drayage and incidental and contingent expenses attending the removal, forty thousand dollars.

APPROVED May 21, 1861.

## RESOLUTIONS.

- [No. 1.] *A resolution of thanks to Brigadier General G. T. Beauregard and the army under his command, for their conduct in the affair of Fort Sumter.* May 4, 1861.

*Be it unanimously resolved by the Congress of the Confederate States of America,* That the thanks of the people of the Confederate States are due, and through this Congress are hereby tendered, to Brigadier General G. T. Beauregard and the officers, military and naval, under his command, and to the gallant troops of the State of South Carolina, for the skill, fortitude and courage by which they reduced and caused the surrender of Fort Sumter, in the harbor of Charleston, on the twelfth and thirteenth days of April, eighteen hundred and sixty-one. And the commendation of Congress is also hereby declared of the generosity manifested by their conduct towards a brave and vanquished foe.

Thanks to Brigadier General G. T. Beauregard and the officers under his command, and to the troops of South Carolina.

*Be it further resolved,* That a copy of this resolution be communicated by the President to General Beauregard, and through him to the army then under his command.

Copy of this resolution to be communicated by the President.

APPROVED May 4, 1861.

- [No. 2.] *A resolution to extend the provisions of a resolution approved March 4, 1861.* May 4, 1861.

*Resolved by the Congress of the Confederate States of America,* That the resolution passed by this Congress, and approved March the fourth, eighteen hundred and sixty-one, in relation to patents and caveats, be extended to citizens of all the slaveholding States.

Resolution of March 4, 1861, relating to patents, &c., extended to citizens of all slave States.

APPROVED May 4, 1861.

- [No. 3.] *A resolution in regard to military expenditures made by the State of South Carolina.* May 10, 1861.

*Resolved by the Congress of the Confederate States of America,* That the expenditures made by the State of South Carolina for the pay and maintenance of the troops employed in the defence of Charleston harbor, under the command of Brigadier General Beauregard, were intended to be provided for by an act making appropriations for the support of three thousand men, for twelve months, to be called into service at Charleston, South Carolina, under the third and fourth sections of an act of the Congress, to raise provisional forces for the Confederate States of America, and for other purposes; and that the amount of such expenditures be audited by the proper officer of the Treasury Department, and that the amount which shall be found due be paid to the State of South Carolina, from the appropriation made by the act aforesaid.

Certain military expenditures made by South Carolina to be audited and paid.

APPROVED May 10, 1861.

- [No. 4.] *A resolution in relation to marine hospitals.*

May 16, 1861.

*Resolved by the Congress of the Confederate States of America,* That the expenses of the marine hospitals in the Confederate States be limited.

Expenses of marine hospitals limited.



Secretary of the Treasury may place them under the charge of any corporate or State authority.

to the amounts received for their support; and that the Secretary of the Treasury be authorized to place any of such hospitals, as may be practicable, under the charge of any corporate or State authority which will undertake to keep open the same as a hospital for the sick, and to receive therein such seamen as the funds allowed by law for their support will enable them to provide for.

APPROVED May 16, 1861.

May 17, 1861. [No. 5.] *A resolution in relation to imports from the States of Virginia, North Carolina, Tennessee and Arkansas.*

Imports from certain States exempted from duties.

*Resolved*, That all imports from the States of Virginia, North Carolina, Tennessee and Arkansas, be exempted from the payment of duties; and that this exemption extend to imports from the said States, now in warehouse.

APPROVED May 17, 1861.

May 21, 1861. [No. 6.] *A resolution in relation to certain accounts.*

Payment out of contingent fund for work done and furniture for the executive office and buildings.

*Resolved by the Congress of the Confederate States of America*, That the Secretary of the Treasury be authorized to pay, out of the contingent fund of the Treasury Department, all accounts contracted for work done or furniture provided for the use of the executive office, or in the executive buildings, not properly chargeable to the contingent fund of either of the other departments.

APPROVED May 21, 1861.

May 21, 1861. [No. 7.] *A resolution rescinding a resolution providing for a digest of laws, approved March twelfth, eighteen hundred and sixty-one.*

Resolution of March 12, 1861, providing for a digest of laws, rescinded.

1. *Resolved by the Congress of the Confederate States of America*, That the resolution approved March twelfth, eighteen hundred and sixty-one, providing for a digest of laws be, and the same is hereby, rescinded.

Allowance to members of the committee under said resolution.

2. *Resolved*, That W. P. Chilton and John Hemphill, committee of this Congress appointed under the resolution rescinded, be allowed eight dollars per day for their attendance as said committee during the recess of Congress, to be ascertained and paid as the *per diem* of members of Congress in session.

Committee to deposit the digest, materials, &c., in attorney general's office.

3. *Resolved*, That the committee aforesaid be and they are hereby required to deposit in the office of the Attorney General the digest, so far as it has progressed, with the materials collected by them, with a statement or report explanatory thereof.

APPROVED May 21, 1861.

May 21, 1861. [No. 8.] *A resolution in regard to the clerical department of Congress.*

Secretary of Congress authorized to employ additional clerical force.

*Resolved by the Congress of the Confederate States of America*, That the secretary of the Congress be authorized to employ such additional clerical force as may be necessary to dispatch the business of his office during the remainder of the session, at six dollars per day each.

APPROVED May 21, 1861.

[No. 9.] *A resolution to provide for the removal of the seat of government.*

May 21, 1861.

*Resolved by the Congress of the Confederate States of America,* That this Congress will adjourn on Tuesday next, to meet again on the twentieth day of July, at Richmond, Virginia; and that a committee of three members of this Congress be appointed to make suitable arrangements for the accommodation of this Congress, and of the several executive departments. Removal of the seat of government.

*Resolved, further,* That the President be and he is hereby authorized to cause the several executive departments, with the archives thereof, to be removed at such time between this and the twentieth day of July next, as he may determine, to Richmond: *Provided, however,* That in case of any public emergency which may, in the judgment of the President, render it impolitic to meet in Richmond, the President shall have power by proclamation to call the Congress together at some other convenient place to be selected by him.

APPROVED May 21, 1861.

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[No. 10.] *A resolution in reference to printing the tariff act, and other documents connected therewith.* May 21, 1861.

*Resolved,* That five hundred copies of the tariff act be printed for the use of Congress, and also five hundred copies of a comparative statement of the rates of duty under the United States tariff of eighteen hundred and fifty-seven, the Confederate States tariff just established, and the United States tariff now in force, be printed under the authority of the Secretary of the Treasury. Certain number of copies of the tariff act, and of the comparative statements of duties under certain acts, to be printed.

APPROVED May 21, 1861.

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[No. 11.] *A resolution regulating the payment of unadjusted accounts.*

May 21, 1861.

*Resolved by the Congress of the Confederate States of America,* That any account against the Congress left unadjusted at this session by the committee on accounts, shall be paid out of the contingent fund, if found to be just, by the first auditor of the treasury and the secretary of Congress, and on their joint certificates; and, and the Secretary be required to submit a detailed statement thereof to the Congress, at its next session. Accounts against Congress to be paid out of the contingent fund.

APPROVED May 21, 1861.

Statement thereof, by secretary, to Congress.

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[No. 12.] *A resolution to confer certain powers on the Secretary of the Treasury.*

May 21, 1861.

*Resolved by the Congress of the Confederate States of America,* That the Secretary of the Treasury take measures for selling the unexpired lease of the President's house and of the buildings used for the departments, or for being relieved from any portion of the rent, as soon as the seat of government shall have been removed; and that he cause all furniture no longer wanted to be sold. Secretary of Treasury to sell the unexpired lease of the President's house and buildings used for the departments, &c.

APPROVED May 21, 1861.

PRIVATE ACT OF THE PROVISIONAL CONGRESS  
OF THE  
CONFEDERATE STATES.

*Passed at the second session of the Provisional Congress, which was begun and held at the city of Montgomery, on Monday, the twenty-ninth day of April, 1861, and ended on the twenty-first day of May, 1861.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

May 21, 1861.

CHAP. I.—*An Act to make temporary disposition of certain railroad iron.*

Preamble.

WHEREAS, In furtherance of a contract between Thomas C. Bates, an alien enemy residing in the State of New York, and the Memphis, El Paso and Pacific railroad company, a large quantity of railroad iron is on deposit at New Orleans and on the Mississippi, and Red rivers, intended by said contract for said road, and said alien being now incapable of carrying on his contract—

Disposition of  
certain railroad  
iron.

*The Congress of the Confederate States of America do enact, That* said Memphis, El Paso and Pacific railroad company be and is hereby authorized to take possession of said iron upon payment of duty and lawful charges, if any, and lay the same on their road, upon giving bond to the Secretary of the Treasury, to respond for the payment of said iron, as Congress may hereafter direct, the ultimate rights of all persons being hereby reserved until such legislation.

APPROVED May 21, 1861.



# PUBLIC ACTS OF THE PROVISIONAL CONGRESS

OF THE

## CONFEDERATE STATES.

*Passed at the third session of the Provisional Congress, which was begun and held at the city of Richmond, on Saturday, the twentieth day of July, 1861, and ended on the thirty-first day of August, 1861.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

### STATUTE III.

CHAP. I.—An act to authorize the appointment of agents to sign treasury notes.

July 24, 1861.

*The Congress of the Confederate States [of America] do enact, That* the Secretary of the Treasury is authorized to appoint officers to assist the register and treasurer in preparing and signing such treasury notes as are already authorized, or may hereafter be authorized by act of Congress; and the signature of any such officer in behalf of the register or of the treasurer, shall be as effectual to all intents and purposes, as if the same had been made by the register or the treasurer in person.

Officers to be appointed, to assist in signing, &c. treasury notes.

APPROVED, July 24, 1861.

CHAP. II.—An act relating to the pre-payment of postage in certain cases.

July 29, 1861.

*The Congress of the Confederate States of America do enact, That* all letters and other matter authorized by law to be transmitted through the mails, written or sent by any officer, musician or private of the army, engaged in the actual service of the Confederate States, may be transmitted through the mails to any other place in the Confederate States, without pre-payment of postage, but leaving such postage to be collected upon the delivery of such letters or other matter: *Provided, nevertheless,* That in all such cases, the letters and other mail matter so sent shall be endorsed with the name, and shall be on account of the individual sending the same, and shall contain a description of the party who sends the same, by endorsement of his military title, if an officer, or of the company and regiment to which he belongs, if a musician or private.

Mail matter may be sent by officers, &c. of the army, without pre-payment of postage.

How to be endorsed.

SEC. 2. That letters and other mail matter sent to any officer, musician or private in the Confederate States army, at any point from which the

Forwarding of letters, &c. in case

of removal, free of said officer, musician or private may have been lawfully removed, shall be forwarded to the person to whom directed, at the post-office nearest which he may have been removed, free of additional postage.

Pre-payment of postage not required on letters sent by members of Congress. SEC. 3. That on letters transmitted by a member of Congress, with his official signature endorsed on the same, pre-payment of postage shall not be required, but the same may be paid on delivery of the letters thus transmitted.

Penalty for violating this act. SEC. 4. Any person attempting to violate the provisions of this act shall be guilty of a misdemeanor, and shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace having cognizance thereof.

APPROVED July 29, 1861.

July 31, 1861. CHAP. III.—*An act further to amend an act entitled "An act to establish the judicial courts of the Confederate States of America."*

Repeal of so much of the act of March 16, 1861, ch. 61, as directs the holding of a session of the supreme court, in January, 1862. *The Congress of the Confederate States of America do enact, That* so much of the act approved March sixteen, eighteen hundred and sixty-one, entitled "An act to establish the judicial courts of the Confederate States of America," as directs the holding of a session of the supreme court of the Confederate States in January next, be, and the same is hereby repealed; and no session of the supreme court shall be held until

When the court to be held. that court shall be organized under the provisions of the permanent Constitution of the Confederate States, and the laws passed in pursuance thereof.

Writs of error and appeal from district court, before organization of supreme court, when returnable. SEC. 2. All writs of error and appeals taken or prosecuted from the district courts of the Confederate States, prior to the organization of the supreme court, under the permanent Constitution, shall be made returnable on the second Monday of the first term to be held by the supreme court, after its establishment under the permanent Constitution.

By whom and how issued. SEC. 3. It shall be lawful for the clerks of the several district courts to issue writs of error under the seal of said district courts, returnable to the supreme court, in the same manner, as nearly as may be, as the clerk of the supreme court may, by law, issue such writs, and with the same force and effect as if issued by said clerk of the supreme court.

Jurisdiction of district courts under the revenue laws. [SEC. 4.] The jurisdiction of the district courts of the Confederate States, shall extend to all cases in law or equity arising under the revenue laws of the Confederate States, for which other provisions are not already made by law; and, if any person shall receive any injury to his person or property, for, or on account of any act by him done, under any law of the Confederate States, for the protection or collection of the revenue, he shall be entitled to maintain suit for damage therefor, in the district court of the Confederate States, under whose jurisdiction the party doing the injury may reside.

APPROVED July 31, 1861.

August 1, 1861. CHAP. IV.—*An act relative to money deposited in the registries and receivers of the courts.*

Moneys heretofore paid into the registries and receivers of the courts of the United States, formerly existing in these Confederate States, *The Congress of the Confederate States of America do enact, That* all moneys heretofore paid into the registries and receivers of the several courts of the United States, formerly existing in these Confederate States,

shall be deposited in the treasury of the Confederate States; and it shall be the duty of the judges of the several courts of the Confederate States, now having jurisdiction over the disposal of the said sums of money, to withdraw the same from the registries and receivers of the courts, and pay the amount thereof to the Secretary of the Treasury.

SEC. 2. It shall be the duty of the Secretary of the Treasury to issue, in lieu of the amounts of money paid to him as aforesaid, an equal amount in bonds of these Confederate States, bearing interest at five per centum per annum, divided into such sums as shall be required by the judges making the payment; the capital and interest of said bonds being made payable only when payment thereof shall be ordered by a decree of the court having jurisdiction over the disposal thereof. Said bonds shall be made payable to the order of the judge of the court by whom the payment is made into the treasury, and of his successors in office; and it shall be the duty of the Secretary of the Treasury to make payment of said bonds and all accruing interest, on demand and presentation thereof, accompanied by a duly certified copy of the order of court directing such payment.

Secretary of the Treasury to issue bonds in lieu of the moneys withdrawn.

When, and to whom the bonds made payable.

SEC. 3. That all sums of money deposited in the registries and receivers of the several courts of these Confederate States, or that may hereafter be so deposited, shall, if remaining undisposed of during six months from the date of the deposit, be transferred in like manner as is above provided, to the treasury of the Confederate States, and be replaced by bonds to be issued in like manner, and payable on the like terms and conditions, in all respects, as provided in the second section of this act.

Moneys hereafter deposited, remaining undisposed of, to be likewise transferred, &c.

APPROVED August 1, 1861.

CHAP. V.—*An act to authorize the distribution of the proceeds of the sale of the A. B. Thompson, condemned as a prize.*

August 1, 1861.

*The Congress of the Confederate States of America do enact, That the proceeds of the sale of the ship A. B. Thompson, taken by the Confederate States ship of war, the Lady Davis, and condemned as a prize, under a decree of the Confederate States court, for the district of South Carolina, when paid into the treasury, shall be distributed by the Secretary of the Navy, according to the provisions of the act of the United States of April twenty-third, eighteen hundred, entitled "An act for the better government of the navy of the United States," and made of force by an act of the Congress of the Confederate States, of February ninth, eighteen hundred and sixty-one, entitled "An act to continue in force certain laws of the United States of America," rating captain Elliott and his detachment—declared joint captors by the said decree—as marines, according to their respective ranks.*

Proceeds of the sale of the ship A. B. Thompson, condemned as a prize, to be distributed.

APPROVED August 1, 1861.

CHAP. VI.—*An act to amend "An act to establish the judicial courts of the Confederate States of America."*

August 1, 1861.

*The Congress of the Confederate States of America do enact, That the provision in the thirty-first section of the "Act to establish the judicial courts of the Confederate States of America," which allows mileage to the district attorney, shall be modified to read as follows, namely: "and when there are two or more divisions in the district for which he is ap-*

Mileage allowed district attorneys. Act of 1861, ch. 61, § 31, ante p. 81.



pointed, he shall be allowed mileage at the rate of ten cents per mile, for going to and returning from the court which is most distant from his place of residence; to be computed on the most usual line of travel."

APPROVED AUGUST 1, 1861.

August 2, 1861. CHAP. VII.—*An act to make provision for the care of supplies for the sick and wounded.*

Secretary of War *The Congress of the Confederate States of America do enact, That*  
to appoint clerk to the Secretary of War shall forthwith appoint a clerk in the office of the  
take charge of and distribute articles Surgeon General, to take charge of all hospital supplies and other articles  
for the sick and wounded which may be contributed for the use of the sick and wounded; and the  
same to dispose of, according to the wishes of the contributors, under the

Salary.

Place for the safe  
keeping, &c., of the  
articles.

direction of the medical department of the army; the salary of the said clerk not to exceed one thousand dollars; and the said clerk shall be authorized, under the direction of the Surgeon General, to procure and fit up a proper place for the safe keeping and proper disposal of the said articles.

APPROVED August 2, 1861.

August 2, 1861. CHAP. VIII.—*An act to provide for an additional field officer to volunteer battalions, and for the appointment of assistant adjutants general for the provisional forces.*

Act 1861, March  
6, ch. 26, § 8, p.  
46, amended.

*Be it enacted by the Congress of the Confederate States of America,*  
That the eighth section of the act of March sixteenth, eighteen hundred  
and sixty-one, "to provide for the public defence," be, and the same is

Certain battalions  
of volunteers al-  
lowed two field of-  
ficers.

hereby, so far amended that whenever battalions of volunteers in the  
service of the Confederate States shall consist of not less than six compa-  
nies, there may be allowed, in the discretion of the President, to each  
battalion so constituted, two field officers, one with the rank of lieutenant  
colonel and the other with the rank of major.

Rank of officers.

Assistant adju-  
tants general may  
be appointed for  
volunteer forces.—  
Their rank and  
pay.

SEC. 2. That the President be, and he is hereby, authorized to appoint  
for the volunteer forces in the Confederate service, as many assistant  
adjutants general as the service may require, whose rank shall corres-  
pond with the rank of the assistant adjutants general in the regular  
army, and who shall receive the same pay and allowances, according to  
their respective grades.

APPROVED August 2, 1861.

August 2, 1861. CHAP. IX.—*An Act to extend the provisions of an act entitled "An act to prohibit the ex-  
portation of cotton from the Confederate States, except through the se ports of said  
States, and to punish persons offending therein," approved May twenty-one, eighteen  
hundred and sixty-one.*

Act of 1861, May  
21, ch. 55, prohibit-  
ing exportation of  
cotton, except, &c.,  
extended to other  
articles.

*The Congress of the Confederate States of America do enact, That*  
the provisions of the above recited act be, and the same are hereby ex-  
tended, and made applicable to the exportation of tobacco, sugar, rice,  
molasses, syrup and naval stores, from the Confederate States, from and  
after the tenth day of August next.

APPROVED August 2, 1861.

CHAP. X.—*An Act to amend an act entitled "An act to make further provisions for the public defence," approved eleventh May one thousand eight hundred and sixty-one; and to amend an act entitled "An act to increase the military establishment of the Confederate States;" and to amend the "Act for the establishment and organization of the army of the Confederate States of America."* August 3, 1861.

*The Congress of the Confederate States of America do enact, That* the third section of the act entitled "An act to make further provision for the public defence," approved eleventh May, one thousand eight hundred and sixty-one, be amended by striking out of said section the words, "detailed from the regular army;" and further, that the ninth section of the act entitled "An act to increase the military establishment of the Confederate States," and to amend the "Act for the establishment and organization of the army of the Confederate States of America," approved sixteenth May, one thousand eight hundred and sixty-one, be amended, by adding thereto the following clause: "and that the President may, in his discretion, upon the application and recommendation of a major general, or brigadier general, appoint from civil life persons to the staff of such officer, who shall have the same rank and pay as if appointed from the army of the Confederate States."

Amendment of certain acts—  
1861, May 11, ch. 8, § 3, p. 106.  
1861, May 16, ch. 22, § 9, p. 115.

President may appoint civilians as staff officers. Their rank and pay.

APPROVED August 3, 1861.

CHAP. XI.—*An Act to amend an act in relation to the issue of treasury notes.* August 3, 1861.

WHEREAS, By an act of Congress, approved the ninth March, one thousand eight hundred and sixty-one, the Secretary of the Treasury is authorized to issue certain treasury notes in lieu of a first issue of such notes; and it is provided that the whole issue shall at no time exceed one million of dollars; and it is deemed advisable now to remove the restriction: [Therefore]—

*The Congress of the Confederate States of America do enact, That* the other treasury notes authorized to be issued by the Secretary of the Treasury, under the provisions of the said act, may be issued by him at any time, with the approbation of the President, either before or after the calling in of the first notes: *Provided, That* the whole issue outstanding at any one time shall not exceed two millions of dollars.

Preamble.

Treasury notes authorized by the act of 1861, March 9, ch. 33, p. 55, may be issued at any time.

APPROVED August 3, 1861.

CHAP. XII.—*An Act to amend "An act to provide revenue from commodities imported from foreign countries," approved May twenty-one, one thousand eight hundred and sixty-one.* August 3, 1861.

*The Congress of the Confederate States of America do enact, That* the following alterations and amendments be and the same are hereby made to the "Act to provide revenue from commodities imported from foreign countries," approved May twenty-one, one thousand eight hundred and sixty-one, to-wit: That the words "carbonate of soda," and the words "paving and roofing tiles and bricks, and roofing slates and fire bricks," in schedule C of said act, be and the same are hereby stricken out of and repealed in said schedule, and that in the same schedule C, in the enumeration of the various kinds of iron, after the word "slabs," the words "sheet or other form," are hereby inserted and made part of said schedule: and in schedule D of said act, the terms "lac sulphur," and "sulphur, flour of," be, and the same are hereby,

Amendment of the act of May 21, 1861, ch. 44, to provide revenue from imports.

stricken out of and repealed in said schedule. And the terms "terra japonica and catechu" are hereby transferred from schedule D to schedule E, they being considered in commerce as the same articles of merchandise as cutch, which is enumerated in schedule E of said act.

APPROVED August 3, 1861.

August 3, 1861. CHAP. XIII.—*An Act to amend an act entitled "An act making appropriations for the support of the navy, for the year ending fourth February, eighteen hundred and sixty-two."*

Act of 1861, March 15, ch. 55. making appropriations for the support of the navy, amended. *The Congress of the Confederate States of America do enact, That the eighth item of said act be so amended that thirty thousand dollars be deducted from the appropriation of fifty-four thousand three hundred and sixty-three dollars therein made for the pay of officers and others at the navy yard at Pensacola, and be appropriated to the same objects at the navy yard at Norfolk.*

APPROVED August 3, 1861.

August 5, 1861. CHAP. XIV.—*An Act to provide for the safe custody, printing, publication and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice.*

Bills and resolutions to be deposited in Department of Justice. *The Congress of the Confederate States of America do enact, That all bills and resolutions passed by the Congress and approved and signed by the President, or which may otherwise become laws, shall be deposited in the Department of Justice, and the originals carefully preserved in said Department.*

Publication of, in the public gazettes. SEC. 2. It shall be the duty of the attorney general, as soon as conveniently may be, after he shall receive the same, to select from the laws, orders and resolutions passed at each session, such as may be of a public nature, and as in his judgment, require early publication, and cause the same to be inserted, weekly, for one month, in one public gazette published at the seat of government in each State, and shall also publish all the laws in two gazettes published at the capital of the Confederate States; and the compensation for this publication shall not exceed one dollar and a half per page, estimated according to Little and Brown's edition of the laws of the United States.

Compensation for publishing. SEC. 3. It shall be the duty of the attorney general, at the close of each session of Congress, to cause all the laws and resolutions having the force of laws, and all treaties entered into by the Confederate States, to be published under the supervision of the superintendent of public printing. The laws shall be arranged in the order of their date; shall have marginal notes to each section; shall be fully indexed; and shall be published to the number of three thousand copies, in a style equal in execution and upon paper equal in quality to the edition of the laws of the United States, as annually published by Little and Brown; they shall be bound in pamphlet, in a style not inferior to that in which the laws published by Little and Brown are bound annually; and one thousand copies thereof shall be preserved to be bound in calf, in a solid and substantial manner, as often as the number of pages shall be sufficient to form a volume of not less than eight hundred nor more than one thousand pages. And whenever the volumes are thus bound, a new index shall be made, comprising the contents of the whole volume thus bound.

Arrangement. SEC. 4. The printing of the laws, as required by the foregoing section, Number of copies, style, paper and binding. Index.



shall be executed by the public printer; the binding in pamphlet form and in volumes, as provided in the foregoing section, shall be executed by contract to be entered into by the superintendent of public printing, after advertising for sealed proposals; and the paper for the printing of the laws shall be furnished to the public printer by the superintendent of public printing, in accordance with the fourth section of the act of fourteenth May, one thousand eight hundred and sixty-one, entitled "An act to organize the bureau of superintendent of public printing."

Printing to be done by public printer.  
Binding to be executed by contract.  
Superintendent of public printing to furnish paper.

SEC. 5. The price allowed to the public printer for printing the laws, under the provisions of this act, shall be the following, and no more, to wit: for composition, plain, seventy-five cents per thousand ems; for rule and figure work, one dollar and fifty cents per thousand ems; for press work, octavo forms, of sixteen pages, seventy-five cents per token.

Price allowed public printer.

SEC. 6. The laws, when bound in pamphlet form, shall be distributed as follows, to wit: one copy to each member of the Congress for the time being; twenty copies each to the secretary of the Senate and the clerk of the House of Representatives; one copy to each committee of the two houses of Congress; five copies each to the President and Vice President; two hundred copies to the Department of State, for its own use, and for distribution amongst the diplomatic and consular officers of the Confederate States; two hundred copies to the department of the treasury, for its own use, and for distribution amongst the revenue officers of the government; one hundred copies to the Department of Justice, for its own use, and for distribution amongst the judges, clerks, marshals and attorneys of the Confederate States; fifty copies each to the departments of war and the navy, and to the postmaster general; five copies each to the governors of the several States, for the use of the States. The remaining copies shall be preserved in the Department of Justice, subject to the further order of Congress.

Distribution.

SEC. 7. The attorney general is authorized to appoint an additional clerk in the Department of Justice for the purpose of carrying into effect the provisions of this act, to be called the law clerk of said department, at a salary of fifteen hundred dollars per annum.

Attorney General authorized to appoint law clerk in Department of Justice. His salary.

SEC. 8. All laws and parts of laws heretofore enacted, providing for the safe custody, preservation, printing, publication and distribution of the laws are hereby repealed.

Repealing clause.

APPROVED August 5, 1861.

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CHAP. XV.—An Act to authorize advances to be made in certain cases.

August 5, 1861.

*The Congress of the Confederate States of America do enact*, That the Secretary of War, with the approbation of the President, be authorized, during the existence of the present war, to make advances upon any contract, not to exceed thirty-three and one-third per cent., for arms or munitions of war: *Provided*, That security be first taken, to be approved by the Secretary of War, for the performance of the contract, or for a proper accounting for the said money.

Secretary of War authorized to make advances on contracts for arms or munitions of war. Proviso.

APPROVED August 5, 1861.

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CHAP. XVI.—An Act to give aid to the people and State of Missouri.

August 6, 1861.

*The Congress of the Confederate States of America do enact*, That to aid the people of the State of Missouri, in the effort to maintain, within

Appropriation to

aid the people and their own limits, the constitutional liberty, which it is the purpose of the State of Missouri. Confederate States in the existing war to vindicate, there shall be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated one million of dollars, to supply clothing, subsistence, arms and ammunition to the troops of Missouri who may co-operate with those of the Confederate States, during the progress of the existing war, said sum to be expended under the discretion of the President of the Confederate States, for the purposes aforesaid.

APPROVED August 6, 1861.

August 6, 1861. CHAP. XVII.—*An Act to provide for the construction of a newly invented implement of war.*

WHEREAS, Charles S. Dickinson alleges that he has invented a machine, generally known as "Winans' gun," whereby balls can be projected with such force, rapidity and precision as to render it a valuable implement of war, both in the army and the navy—

Appropriation for the construction of "Winans' gun." *The Congress of the Confederate States of America do therefore enact,* That the President be and he, is hereby authorized, in his discretion, to cause one machine of this description, calculated to throw balls measuring about three-fourths of an inch in diameter, and weighing about two ounces, to be constructed under the direction of said Dickinson: *Pro-*

Viso.

*vided,* That the cost thereof shall not exceed five thousand dollars.

APPROVED August 6, 1861.

August 8, 1861. CHAP. XVIII.—*An Act to authorize the President of the Confederate States to grant commissions to raise volunteer regiments and battalions, composed of persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland and Delaware.*

President authorized to grant commissions to officers to raise and command volunteer regiments, &c., of persons from certain States. *The Congress of the Confederate States of America do enact,* That the President of the Confederate States be, and he is hereby, authorized to grant commissions to officers above the grade of captain, to such persons as he may think fit, to raise and command volunteer regiments and battalions for the service of the Confederate States, said regiments and battalions to be composed of persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland or Delaware, and who have enlisted, or may enlist, under said officers; upon the condition, however, that such officers shall not hold rank or receive pay until such regiments or battalions have been raised and are mustered into service.

APPROVED August 8, 1861.

August 8, 1861.

CHAP. XIX.—*An Act respecting alien enemies.*

Who liable to be apprehended and removed as alien enemies. *The Congress of the Confederate States of America do enact,* That whenever there shall be a declared war between the Confederate States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted or threatened against the territory of the Confederate States, by any foreign nation or government, and the President of the Confederate States shall make public proclamation of the event, or the same shall be proclaimed by act of Congress, all natives, citizens, denizens, or subjects of the hostile nation or gov-

ernment, being males of fourteen years of age and upwards, who shall be within the Confederate States, and not citizens thereof, shall be liable to be apprehended, restrained or secured, and removed as alien enemies : *Provided*, That during the existing war, citizens of the United States, residing within the Confederate States, with intent to become citizens thereof, and who shall make a declaration of such intention, in due form, and acknowledging the authority of the government of the same, shall not become liable as aforesaid, nor shall this act extend to citizens of the States of Delaware, Maryland, Kentucky, Missouri, and of the District of Columbia, and the territories of Arizona and New Mexico, and the Indian Territory south of Kansas, who shall not be chargeable with actual hostility or other crime against the public safety, and who shall acknowledge the authority of the government of the Confederate States.

Proviso.

SEC. 2. The President of the Confederate States shall be, and he is hereby, authorized, by his proclamation, or other public act, in case of existing or declared war, as aforesaid, to provide for the removal of those who, not being permitted to reside within the Confederate States, shall refuse or neglect to depart therefrom ; and to establish such regulations in the premises as the public safety may require.

President to provide for removal of those who fail to depart,  
and to establish rules, &c.

SEC. 3. Immediately after the passage of this act, the President of the Confederate States shall, by proclamation, require all citizens of the United States, being males of fourteen years and upwards, within the Confederate States, and adhering to the government of the United States, and acknowledging the authority of the same, and not being citizens of the Confederate States, nor within the proviso of the first section of this act, to depart from the Confederate States within forty days from the date of said proclamation ; and such persons remaining within the Confederate States after that time shall become liable to be treated as alien enemies ; and in all cases of declared war as aforesaid, aliens, resident within the Confederate States, who shall become liable as enemies as aforesaid, and who shall not be chargeable with actual hostility or other crime against the public safety, shall be allowed the time for the disposition of their effects and for departure, which may be stipulated by any treaty with such hostile nation or government ; and when no such treaty may exist the President shall prescribe such time as may be consistent with the public safety, and accord with the dictates of humanity and national hospitality.

President, by his proclamation, to require citizens of the U. S. within the C. S. to depart within 40 days.

On failure to depart, treated as alien enemies.

Time allowed aliens resident within the C. S.

SEC. 4. After any declared war, or proclamation, as aforesaid, it shall be the duty of the several courts of the Confederate States, and of each State having criminal jurisdiction, and of the several judges and justices of the courts of the Confederate States, and they are hereby authorized, upon complaint against any alien, or alien enemies, as aforesaid, or persons coming within the purview of this act, who shall be resident, or remaining in the Confederate States, and at large within the jurisdiction or district of such judge or court, as aforesaid, contrary to the intent of this act, and of the proclamation of the President of the Confederate States, or the regulations prescribed by him, in pursuance of this act, to cause such alien or aliens, person or persons, as aforesaid, to be duly apprehended and conveyed before such court, judge or justice, for examination ; and after a full examination and hearing in such complaint, and sufficient cause therefor appearing, shall or may order such alien or aliens, person or persons, to be removed out of the territory of the Confederate States, or to be otherwise dealt with or restrained, conformably to the intent of this act, and the proclamation or regulations which may be prescribed as aforesaid, and may imprison or otherwise secure such alien person until the order which shall be made shall be performed.

Duty of the Confederate and State courts, judges, &c., on complaints against aliens and alien enemies remaining in the C. S.

Apprehension and examination.

Order for removal. How otherwise dealt with.



Marshal, by himself or deputy, or other discreet person, to execute the order.

SEC. 5. It shall be the duty of the marshal of the district, in which any alien enemy or person offending against the provisions of this act, shall be apprehended, who by the President of the Confederate States, or by order of any court, judge or justice, as aforesaid, shall be required to depart, [or] to be removed as aforesaid, to execute such order by himself or deputy, or other discreet person, and for such execution the marshal shall have the warrant of the President, or the court or judge, as the case may be.

Warrant for such execution.

APPROVED August 8, 1861.

August 8, 1861.

CHAP. XX.—*An Act further to provide for the public defence.*

President authorized to employ the militia, military and naval forces, and to ask for and accept volunteers.

*The Congress of the Confederate States of America do enact, That* in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States of America, and to secure the independence of the Confederate States, the President be, and he is hereby, authorized to employ the militia, military and naval forces of the Confederate States of America, and to ask for and accept the services of any number of volunteers, not exceeding four hundred thousand, who may offer their services, either as cavalry, mounted riflemen, artillery, or infantry, in such proportions of these several arms as he may deem expedient, to serve for a period of not less than twelve months, nor more than three years after they shall be mustered into service, unless sooner discharged.

To be organized under the act of March 6, 1861.

SEC. 2. That whenever the militia or volunteers are called and received into the service of the Confederate States, under the provisions of this act, they shall be organized under the act of the sixth of March, one thousand eight hundred and sixty-one, entitled "An act to provide for the public defence," with the same pay and allowances of said act, and the same time for the service of the militia.

Pay and allowances and time of service.

Construction of act.

SEC. 3. Nothing in this act shall be construed to extend to, or in any wise to alter any act heretofore passed, authorizing the President to receive troops offered directly to the Confederate States for the war, or for any less time.

APPROVED August 8, 1861.

August 14, 1861.

CHAP. XXI.—*An Act to provide for the appointment of surgeons and assistant surgeons for hospitals.*

Surgeons and assistant surgeons in the provisional army for the hospitals.

*The Congress of the Confederate States of America do enact, That* the President be and he is hereby authorized to appoint in the provisional army as many surgeons and assistant surgeons for the various hospitals of the Confederacy, as may be necessary.

APPROVED August 14, 1861.

August 16, 1861.

CHAP. XXII.—*An Act to amend the law in relation to the export of tobacco, and other commodities.*

Act of May 21, 1861, prohibiting export of cotton, except, &c., to take immediate effect.

*The Congress of the Confederate States of America do enact, That* the act passed at the present session entitled "An Act to extend the provisions of an act entitled 'An act to prohibit the exportation of cotton from the Confederate States except through the seaports of said States,

and to punish persons offending therein," approved May twenty-one, Anno Domini, one thousand eight hundred and sixty-one, shall go into effect immediately after the approval of this act.

APPROVED August 16, 1861.

CHAP. XXIII.—An Act to authorize the issue of treasury notes, and to provide a war tax for their redemption. August 19, 1861.

*The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury be and he is hereby authorized, from time to time, as the public necessities may require, to issue treasury notes, payable to bearer at the expiration of six months after the ratification of a treaty of peace between the Confederate States and the United States, the said notes to be of any denomination not less than five dollars, and to be re-issuable at pleasure until the same are payable; but the whole issue outstanding at one time, including the amount issued under former acts, shall not exceed one hundred millions of dollars; the said notes shall be receivable in payment of the war tax hereinafter provided, and of all other public dues except the export duty on cotton, and shall also be received in payment of the subscriptions of the net proceeds of sales of raw produce and manufactured articles.

*Secretary of the Treasury authorized to issue treasury notes, as the public necessities may require.*

*Receivable in payment of war tax, public dues, &c.*

SEC. 2. That for the purpose of funding the said notes, and of making exchange for the proceeds of the sale of raw produce and manufactured articles, or for the purchase of specie or military stores, the Secretary of the Treasury, with the assent of the President, is authorized to issue bonds, payable not more than twenty years after date, and bearing a rate of interest not exceeding eight per centum per annum, until they become payable, the interest to be paid semi-annually; the said bonds not to exceed, in the whole, one hundred millions of dollars, and to be deemed a substitute for thirty millions of the bonds authorized to be issued by the act approved May sixteenth, eighteen hundred and sixty-one; and this act is to be deemed a revocation of the authority to issue the said thirty millions. The said bonds shall not be issued in less sums than one hundred dollars, nor in fractional parts of a hundred, except when the subscription is less than one hundred dollars, the said bonds may be issued in sums of fifty dollars. They may be sold for specie, military and naval stores, or for the proceeds of raw produce and manufactured articles, in the same manner as is provided by the act aforesaid; and whenever subscriptions of the same have been or shall be made payable at a particular date, the Secretary of the Treasury shall have power to extend the time of sales until such date as he shall see fit to indicate.

*Bonds to be issued for the purpose of funding said notes, and of making exchange, &c.*

*Act of 1861, May 16, ch. 24 p. 117.*

*Denomination.*

*May be sold, &c.*

SEC. 3. The holders of the said treasury notes may, at any time, demand in exchange for them bonds of the Confederate States, according to such regulations as may be made by the Secretary of the Treasury. But whenever the Secretary of the Treasury shall advertise that he will pay off any portion of the said treasury notes, then the privilege of funding, as to such notes, shall cease, unless there shall be a failure to pay the same in specie on presentation.

*Bonds in exchange for treasury notes.*

*When privilege of funding to cease.*

SEC. 4. That for the special purpose of paying the principal and interest of the public debt, and of supporting the government, a war tax shall be assessed and levied, of fifty cents upon each one hundred dollars in value, of the following property in the Confederate States, namely: real estate of all kinds; slaves; merchandize; bank stocks; railroad and other corporation stocks; money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money,

*War tax.*

*Taxable property.*

except the bonds of the Confederate States of America, and cash on hand or on deposit in bank or elsewhere; cattle, horses and mules; gold watches, gold and silver plate, pianos and pleasure carriages: *Provided,*

*however,* That when the taxable property herein above enumerated, of any head of a family, is of value less than five hundred dollars, such taxable property shall be exempt from taxation under this act: *And*

*provided, further,* That the property of colleges and schools, and of colleges, schools, charitable or religious corporations or associations, actually used for the

purposes for which such colleges, schools, corporations or associations were created, shall be exempt from taxation under this act: *And provided, further,* That all public lands and all property owned by a State for public purposes, be exempt from taxation.

SEC. 5. That for the purpose of ascertaining all property included in the above classes, and the value thereof, and the person chargeable with the tax, each State shall constitute a tax division, over which shall be

appointed one chief collector, who shall be charged with the duty of dividing the State into a convenient number of collection districts, subject to the revisal of the Secretary of the Treasury. The said collector shall be appointed by the President, and shall hold his office for one

year, and receive a salary of two thousand dollars. He shall give bond with sureties to discharge the duties of his office in such amount as may

be prescribed by the Secretary of the Treasury, and shall take oath faithfully to discharge the duties of his office, and to support and defend the Constitution. The said chief collector shall, with the approbation

of the Secretary of the Treasury, appoint a tax collector for each collection district, whose duty it shall be to cause an assessment to be made on or before the first day of November next, of all the taxable property

in his district, included in each of the above mentioned classes of property, and the persons then owning or in possession thereof; and in

order thereto, the said tax collectors may appoint assessors, who shall proceed through every part of their respective districts, and, after public notice, shall require all persons owning, possessing, or having the

care and management of any property liable to the tax aforesaid, to deliver written lists of the same, which shall be made in such manner as may be required by the chief collector, and as far as practicable, conformable to those which may be required for the same purpose under the authority of the respective States; and the said assessors are authorized to enter into and upon, all and singular, the premises for the purposes required by this act.

SEC. 6. If any person shall not be prepared to exhibit a written list when required, and shall consent to disclose the particulars of taxable property owned or possessed by him, or under his care and management,

then it shall be the duty of the officer to make the list, which, being distinctly read and consented to, shall be received as the list of such person.

SEC. 7. That if any person shall deliver or disclose to any collector or assessor appointed in pursuance of this act and requiring a list as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby intended to be made, such person so offending shall be fined in a sum not exceeding five hundred dollars, to be recovered in any court of competent jurisdiction.

SEC. 8. Any person who shall fail to deliver to the collector or assessor a list of his taxable property at the time prescribed by him, shall be liable to a double tax upon all his taxable property; the same to be assessed by the collector or assessor, and to be collected in the same manner and by the same process as is herein provided as to the single tax.



Sec. 9. The lists shall be made in reference to the value and situation of the property, on the first day of October next, and shall be made out, completed, and be delivered into the hands of each of the tax collectors on the first day of December next; and upon the receipt thereof, each tax collector may, for twenty-one days next ensuing the said first December, hear and determine all appeals from the said assessments, as well as applications for the reduction of a double tax, when such tax may have been incurred to a single tax, which determination shall be final.

Lists to be made in reference to value &c., of property on the 1st October, 1861.

When to be delivered to tax collector.

Appeals from assessments and for reduction of double tax.

Sec. 10. The several tax collectors shall, on or before the first day of February ensuing, furnish to the chief collector of the State in which his district is situated, a correct and accurate list of all the assessments made upon each person in his district, and of the amount of tax to be paid by such person, specifying each object of taxation; and the said chief collector shall collate the same in proper form, and forward the collated list to the Secretary of the Treasury.

Tax collectors to furnish to the chief collector list of assessments and of the amount of tax.

Chief collector to collate the same and forward to the Secretary of the Treasury.

Sec. 11. The said several collectors shall, on the first day of May next, proceed to collect from every person liable for the said tax, the amounts severally due and owing, and he shall previously give notice for twenty days in one newspaper, if any be published in his district, and by notifications in at least four public places in each township, ward or precinct within his district, of the time and place at which he will receive the said tax; and on failure to pay the same, it shall be the duty of the collector, within twenty days after the first day of May aforesaid, by himself or his deputies, to proceed to collect the said taxes by distress and sale of the goods, chattels or effects of the persons delinquent.

When tax to be collected.

Collectors to give notice.

And in case of such distress, it shall be the duty of the officer charged with the collection to make, or cause to be made, an account of the goods or chattels which may be distrained, a copy of which, signed by the officer making such distress, shall be left with the owner or possessor of such goods, chattels or effects, or at his or her dwelling, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be publicly advertised or posted up at two public places nearest to the residence of the person whose property shall be distrained, or at the court-house of the same county, if not more than ten miles distant, which notice shall specify the articles distrained, and the time and place proposed for the sale thereof, which time shall not be less than ten days from the date of such notification, and the place proposed for the sale not more than five miles distant from the place of making such distress: *Provided*, That in any case of distress for the payment of the taxes aforesaid, the goods, chattels or effects so distrained, shall and may be restored to the owner or possessor, if, prior to the sale thereof, payment, or tender thereof, shall be made to the proper officer charged with the collection, of the full amount demanded, together with such fee for levying, and such sum for the necessary and reasonable expense of removing and keeping the goods, chattels or effects so distrained, as may be allowed in like cases by the laws or practice of the State wherein the distress shall have been made; but in case of non-payment or tender as aforesaid, the said officers shall proceed to sell the said goods, chattels or effects at public auction, and shall and may retain from the proceeds of such sale, the amount demandable for the use of the Confederate States, with the necessary and reasonable expenses of distress and sale, and a commission of five per centum thereon for his own use, rendering the overplus, if any there be, to the person whose goods, chattels or effects shall have been distrained: *Provided*, That it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough, and farming utensils necessary for the cultivation of improved lands,

Proceedings by distress on failure to pay the taxes assessed.

Proviso.

Property exempted from distress.

arms, or such household furniture or apparel as may be necessary for a family.

Sale of real estate for taxes.

SEC. 12. That if the tax assessed on any real estate shall remain unpaid on the first day of June next, the tax collector of the district wherein the same is situated shall, on the first Monday in July thereafter, proceed to sell the same, or a sufficiency thereof, at public outcry, to the highest bidder, to pay said taxes, together with twenty per centum on the amount of said taxes and costs of sale, said sale to be at the courthouse door of the county or parish wherein said real estate is situated; and if there shall be more than one county or parish in a district, the said tax collector is authorized to appoint deputies to make such sales in his name as he cannot attend to himself, and for all lands so sold by said

Deed to purchaser.

Where property not divisible, the whole to be sold.

deputies, the deeds as hereinafter provided for shall be executed by said collector, and such sales so made shall be valid, whether the real estate so sold shall be assessed in the name of the true owner or not. But in all cases where the property shall not be divisible so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, charges and commissions, shall be paid to the owner of the property, or his legal representatives, or if he or they cannot be found, or refuse to receive the same, then such surplus shall be deposited in the treasury of the Confederate States, to be there held for the use of the owner or his legal representatives, until he or they shall make application therefor to the Secretary of the Treasury, who, upon such application, shall, by warrant on the treasury, cause the same to be paid to the applicant. And if the property offered for sale as aforesaid cannot be

Surplus of sales to be deposited in the treasury of the C. S. for the use of the owner.

When the collector to purchase the property for the C. S.

sold for the amount of the tax due thereon, with the said additional twenty per centum thereto, the collector shall purchase the same in behalf of the Confederate States for the amount aforesaid: *Provided,*

Sale not to take place if taxes paid before property actually sold.

That the owner or superintendent of the property aforesaid, before the same shall have been actually sold, shall be allowed to pay the amount of the tax thereon, with an addition of ten per centum on the same, on the payment of which the sale of the said property shall not take place: *Provided, also,* That the owners, their heirs, executors or administrators,

Right of redemption.

or any person on their behalf, shall have liberty to redeem any lands and other real property sold as aforesaid, within two years from the time of sale, upon payment to the collector for the use of the purchaser, his heirs or assignees, of the amount paid by such purchaser, with interest for the same at the rate of twenty per centum per annum, and no deed shall be given in pursuance of such sale until the time of redemption shall have expired: *Provided, further,* That when the owner of any

Time allowed persons in the military service of the C. S.

land, or other real property sold for taxes under the provisions of this act, shall be in the military service of the Confederate States, before and at the time said sales shall have been made, the said owner shall have the privilege of redeeming the said property at any time within two years after the close of his term of service. And the collector shall render

Collector to render account of charges of sale, and pay surplus into treasury.

a distinct account of the charges incurred in offering and advertising for sale such property, and shall pay into the treasury the surplus, if any there be, of the aforesaid addition of twenty per centum, or ten per centum, as the case may be, after defraying the charges. And in every case of the sale of real estate, which shall be made under the authority of this act for the assessment and collection of direct taxes by the collectors or marshals respectively, or their lawful deputies respectively, or

All deeds for real estate sold, to be made by the collector of the dis-

tricted by any other person or persons, the deeds for the estate so sold shall be prepared, made, executed, and proved or acknowledged, at the time and times prescribed in this act by the collectors, respectively, within whose

collection district such real estate shall be situated, or in case of their death or removal from office, by their successors, on payment of the purchase money, or producing a receipt therefor, if already paid, in such form of law as shall be authorized and required by the laws of the Confederate States, or by the law of the State in which such real estate lies, for making, executing, proving and acknowledging deeds of bargain and sale, or other conveyances for the transfer and conveyance of real estate; and for every deed so prepared, made, executed, proved and acknowledged, the purchaser or grantee shall pay to the collector the sum of five dollars for the use of the collector, marshal or other person effecting the sale of the real estate thereby conveyed. The commissions hereinafter allowed to each collector shall be in full satisfaction of all services rendered by them. The assessors appointed under them shall be entitled to three dollars for every day employed in making lists and assessments under this act, the number of days being certified by the collector and approved by the chief collector of the State, and also five dollars for every hundred taxable persons contained in the list as completed by him and delivered to the collector: *Provided*, That when the owner of any real estate is unknown, or is a non-resident of the State or tax district wherein the same is situated, and has no agent resident in said district, the assessor shall himself make out a list of such real estate for assessment.

tri t, or his succe  
sor in office.

Fee for the deed  
for whose use.

Commissions on-  
ly allowed collec-  
tor.

Compensation  
allowed assessors.

When assessor to  
make out list of  
real estate for as-  
sessment.

SEC. 13. Separate accounts shall be kept at the treasury of all moneys received from each of the respective States, and the chief collector shall procure from each tax collector such details as to the tax, and shall classify the same in such manner as the Secretary of the Treasury shall direct, and so as to provide full information as to each subject of taxation.

Accounts at the  
treasury of all mo-  
neys received.

Chief collector to  
procure details of  
the tax, and class-  
ify the same.

SEC. 14. Each collector shall be charged with an interest of five per cent. per month for all moneys retained in his possession beyond the time at which he is required to pay over the same by law, or by the regulations established by the Secretary of the Treasury.

Collectors charge-  
able with interest  
on moneys retain-  
ed.

SEC. 15. Each collector before entering upon the duties of his office, shall give bond in such sum as shall be prescribed by the Secretary of the Treasury, with sufficient sureties, and shall take an oath faithfully to execute the duties of his office, and that he will support and defend the Constitution of the Confederate States.

To give bond.

Oath.

SEC. 16. Upon receiving the tax due by each person the collector shall sign receipts in duplicate, one whereof shall be delivered to the person paying the same, and the other shall be forwarded to the chief collector of that State. The money collected during each month or during any shorter period which may be designated by the Secretary of the Treasury, shall be also immediately forwarded to the said chief collector, and by him be disposed of according to the direction of the Secretary of the Treasury; and the said chief collector shall report the same immediately to the Secretary of the Treasury, and shall furnish him with a list specifying the names and amounts of each of the receipts which shall have been forwarded to him as aforesaid by the district collectors.

Collector to sign  
receipts in du-  
plicate for tax. How  
disposed of.

Moneys collected  
to be forwarded to  
chief collector, and  
disposed of as di-  
rected by Secretary  
of Treasury.

Chief collector to  
make report there-  
of.

SEC. 17. The taxes assessed on each person shall be a statutory lien for one year upon all the property of that person, in preference to any other lien, the said lien to take date from the first day of October, to which the valuation has relation, and the lands and other property of any collector shall be bound by statutory lien for five years for all moneys received by him for taxes, the date of such lien to commence from the time of his receiving the money.

Taxes assessed to  
be a statutory lien.

Property of col-  
lectors bound by  
statutory lien, for  
taxes received.

SEC. 18. The compensation of the tax collectors shall be five per cent. on the first ten thousand dollars received, and two and a half per cent. tax collectors.

Compensation of  
tax collectors.



on all sums beyond that amount until the compensation shall reach eight hundred dollars, beyond which no further compensation shall be paid.

Regulations by Secretary of Treasury to carry this act into effect; and instructions as to details.

Authorized to correct errors in assessments, &c.

Construction of certain words and phrases used in this act.

Capital stock and real estate of corporations.

Forging or counterfeiting of treasury notes.

Uttering or publishing.

Penalty.

Forging or counterfeiting of bonds or coupons.

SEC. 19. The Secretary of the Treasury is authorized to establish regulations suitable and proper to carry this act into effect, which regulations shall be binding on all officers; the said Secretary may also frame instructions as to all details which shall be obligatory upon all parties embraced within the provisions of this act. He may also correct all errors in assessments, valuations, and tax lists, or in the collection thereof, in such form and upon such evidence as the said Secretary may approve.

SEC. 20. Corporations are intended to be embraced under the word "persons" used in this act; and whenever the capital stock of any corporation is returned by the corporation itself and the tax paid, the stock in the hands of individuals shall be exempt from tax; and also all the real estate owned by the corporation and used for carrying on its business; and the capital stock of all corporations shall be returned, and the tax paid, by the corporations themselves, and not by the individual stockholders. The term "merchandise" is designed to embrace all goods, wares and merchandise held for sale, except the agricultural products of the country. Money at interest, is intended to include the principal sum of all money belonging to any person, other than a bank, upon which interest is paid or to be paid by the debtor, as the same stands on the first day of October. The term "cattle, horses and mules," is intended to include all such animals as are raised for sale, and not such as are raised merely for food and work on the plantation or farm where they are held. The term "real estate," is intended to include all lands and estates therein, and all interests growing thereout, including ferries, bridges, mines and the like, and in all cases the actual marketable value of property is to be assessed.

SEC. 21. If any person shall, at any time during the existence of the present war between the Confederate States and the United States, or within one year after the ratification of a treaty of peace between them, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any note in imitation of, or purporting to be a treasury note of the Confederate States; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any treasury note of the Confederate States; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged, or counterfeited note purporting to be a treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited; or shall pass, utter, or publish, or attempt to pass, utter or publish, as true, any falsely altered treasury note of the Confederate States, knowing the same to be falsely altered, or shall conspire, or attempt to conspire, with another, to pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely forged or counterfeited, or any falsely altered treasury note of the Confederate States, knowing the same to be falsely forged or counterfeited, or falsely altered; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall suffer death.

SEC. 22. If any person shall, at any time, falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist, in falsely making, forging or counterfeiting any bond or coupon, in imitation of, or purporting to be a bond, or coupon, of the Confederate States; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering, any bond or coupon of the Confederate States; or shall pass, utter or

publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited bond, purporting to be a bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited; or shall pass, utter or publish, or attempt to pass, utter or publish, as true, any falsely altered bond or coupon, of the Confederate States, knowing the same to be falsely altered; or shall conspire, or attempt to conspire, with another, to pass, utter or publish, or attempt to pass, utter or publish, as true, any false, forged or counterfeited bond or coupon, purporting to be a bond or coupon of the Confederate States, or any falsely altered bond or coupon of the Confederate States, knowing the same to be falsely forged or counterfeited, or falsely altered; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a term not less than five years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Uttering or publishing.

Penalty.

SEC. 23. If any person shall make or engrave, or cause or procure to be made or engraved, or shall have in his custody or possession, any metallic plate engraved after the similitude of any plate from which any notes or bonds issued as aforesaid, shall have been printed, with intent to use such plate, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid; or shall have in his custody or possession, any blank note or notes, bond or bonds, engraved and printed after the similitude of any note or bond, issued as aforesaid, with intent to use such blanks, or cause or suffer the same to be used in forging or counterfeiting any of the notes or bonds issued as aforesaid, every such person being thereof lawfully convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a term not less than five nor more than ten years, and fined in a sum not exceeding five thousand dollars.

Engraving or having possession of plates, &amp;c., with intent to forge treasury notes or bonds.

Punishment.

SEC. 24. If any State shall, on or before the first day of April next, pay, in the treasury notes of the Confederate States, or in specie, the taxes assessed against the citizens of such State, less ten per centum thereon, it shall be the duty of the Secretary of the Treasury to notify the same to the several tax collectors of such State, and thereupon their authority and duty under this act shall cease.

On payment by any State of taxes assessed against her citizens, authority of collectors in such States to cease.

SEC. 25. If any person shall, at any time after one year from the ratification of a treaty of peace between the Confederate States and the United States, commit any of the acts described in the twenty-first section of this act, such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at hard labor for a period of not less than five years nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Penalty for committing any of the acts described in the 21st section after one year from the ratification of a treaty of peace between the C. S. and the U. S.

APPROVED August 19, 1861.

August 20, 1861. CHAP. XXIV.—*An Act to aid the State of Missouri in repelling invasion by the United States, and to authorize the admission of said State as a member of the Confederate States of America, and for other purposes.*

Preamble.

WHEREAS, The people of the State of Missouri have been prevented, by the unconstitutional interference of the Government of the United States, from expressing their will through their legally constituted authorities, in regard to a union with the Confederate States of America, and are now engaged in repelling a lawless invasion of their territory by armed forces; and, *whereas*, it is the right and duty of the Confederate States to aid the people and government of the said State in resisting such invasion, and in securing the means and the opportunity of expressing their will upon all questions affecting their rights and liberties: Now, therefore—

Aid to the State of Missouri in repelling invasion by the United States.

*The Congress of the Confederate States of America do enact*, That the President of the Confederate States of America be, and he is hereby, authorized to co-operate through the military power of this government with the authorities and the people of the State of Missouri in defending that State against a lawless invasion by the United States, and in maintaining the liberty and independence of her people, and that he be authorized and empowered, at his discretion, to receive and muster into the service of the Confederate States, in the State of Missouri, such troops of that State as may volunteer to serve in the army of the Confederate States, subject to the rules and regulations of said army, and in accordance with the laws of Congress; and said troops may be received into service by companies, battalions or regiments, with their officers elected by the troops, and the officers so elected shall be commissioned by the President; and when mustered into service said companies, battalions or regiments may be attached to such brigades or divisions as the President may determine; and the President shall have power to appoint field officers for all battalions and regiments organized out of separate companies mustered into service, and to add to battalions a sufficient number of separate companies to complete their organization into regiments, and to appoint the additional field officers necessary for the complete organization of the regiments so formed; and all vacancies that may occur amongst the commissioned officers, of troops mustered into service under this act, shall be filled in the manner provided in the act entitled "An act for the establishment and organization of the army of the Confederate States of America," approved sixth March, eighteen hundred and sixty-one.

Admission of Missouri as a member of the Confederate States.

SEC. 2. That the State of Missouri shall be admitted a member of the Confederate States of America, upon an equal footing with the other States, under the Constitution for the Provisional Government of the same, upon the condition that the said Constitution for the Provisional Government of the Confederate States shall be adopted and ratified by the properly and legally constituted authorities of said State, and the Governor of said State shall transmit to the President of the Confederate States an authentic copy of the proceedings touching said adoption and ratification by said State of said Provisional Constitution; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings upon the part of Congress, the admission of said State of Missouri into this Confederacy, under said Constitution for the Provisional Government of the Confederate States, shall be considered as complete; and the laws of this Confederacy shall be thereby extended over said State of Missouri as fully and completely as over other States now composing the same.

Recognition of the government of Missouri.

SEC. 3. That the Congress of the Confederate States recognize the government of which Claiborne F. Jackson is the chief magistrate, to



be the legally elected and regularly constituted government of the people and State of Missouri; and that the President of the Confederate States be, and he is hereby, empowered, at his discretion, at any time prior to the admission of the said State as a member of this Confederacy, to perfect and proclaim an alliance, offensive and defensive, with the said government, limited to the period of the existing war between this Confederacy and the United States; the said treaty or alliance to be in force from the date thereof, and until the same shall be disaffirmed or rejected by this Congress.

APPROVED August 20, 1861.

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CHAP. XXV.—*An Act to empower the President of the Confederate States to appoint additional commissioners to foreign nations.* August 20, 1861.

*The Congress of the Confederate States of America do enact, That* the President of the Confederate States be, and he is hereby, empowered to determine and designate to what nations the commissioners of the Confederate States, now in Europe, shall be accredited, either separately or unitedly; and to prescribe the duties he may think proper to assign to each of them. President to determine to what nations the commissioners now in Europe shall be accredited.

SEC. 2. *And be it further enacted, That* the President be, and he is hereby, empowered to appoint two other commissioners to represent the Confederate States, either separately or unitedly, to such foreign nations as he may deem expedient. To appoint two other commissioners to foreign nations.

SEC. 3. *And be it further enacted, That* the additional commissioners authorized by this act shall receive the same pay and emolument as the commissioners now in Europe receive; and the President shall appoint the secretaries or clerks required by said missions, and determine their compensation. Pay of the additional commissioners. Their secretaries or clerks, and their compensation.

APPROVED August 20, 1861.

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CHAP. XXVI.—*An Act to authorize payment to be made for certain horses purchased for the army, by Col. A. W. McDonald.* August 21, 1861.

*The Congress of the Confederate States of America do enact, That* the Secretary of War be, and he is hereby, authorized to cause payment to be made to the vendors, upon an audit of the accounts, of certain horses, heretofore purchased by order of Colonel Angus W. McDonald, to mount the men he was authorized to raise by order of the President of the Confederate States; and upon the payment of the said accounts, said horses shall become the property of the government, and shall be subject to the control of the quartermaster's department: *Provided, however,* That the quartermaster general shall be, and he is hereby, empowered to permit said horses to remain in the possession of the volunteers who now have them, subject to the general law controlling cavalry troops, upon the written agreement of said volunteers that said horses will be paid for by them out of the allowances now made to cavalry troops. Proviso.

APPROVED August 21, 1861.

August 21, 1861. CHAP. XXVII.—*An Act making appropriation for the services of physicians to be employed in conjunction with the medical staff of the army.*

Appropriation for the services of physicians employed in conjunction with the medical staff of the army. *The Congress of the Confederate States of America do enact, That there be appropriated out of any money in the Treasury not otherwise appropriated, for the year ending the eighteenth of February, eighteen hundred and sixty two, the sum of fifty thousand dollars for the services of physicians to be employed in conjunction with the medical staff of the army.*

APPROVED August 21, 1861.

August 21, 1861.

CHAP. XXVIII.—*An Act to provide for local defence and special service.*

Volunteers for local defence and special service. *The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to accept the services of volunteers of such kind and in such proportion as he may deem expedient, to serve for such time as he may prescribe, for the defence of exposed places or localities, or such special service as he may deem expedient.*

To be mustered into service. SEC. 2. And such forces shall be mustered into the service of the Confederate States, for the local defence or special service aforesaid, the muster roll setting forth distinctly the services to be performed; and the said volunteers shall not be considered in actual service until thereunto specially ordered by the President. And they shall be entitled to pay or subsistence only for such time as they may be on duty under the orders of the President or by his direction.

To be organized according to the act of 1861, Mar. 6, ch. 26, p. 45. SEC. 3. Such volunteer forces, when so accepted and ordered into service, shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defence," approved March sixth, one thousand eight hundred and sixty-one, and may be attached to such divisions, brigades, regiments or battalions as the President may direct, and when not organized into battalions or regiments before being mustered into service, the President shall appoint the field officers of the battalions and regiments, when organized as such by him.

President to appoint the field officers.

APPROVED August 21, 1861.

August 21, 1861. CHAP. XXIX.—*An Act to authorize the employment of cooks and nurses, other than enlisted men, or volunteers, for the military service.*

Nurses and cooks for the military service. *The Congress of the Confederate States of America do enact, That the better to provide for the sick and wounded, the Secretary of War is authorized to direct the employment, when deemed necessary, of nurses and cooks, other than enlisted men, or volunteers, the persons so employed being subject to military control, and in no case to receive pay above that allowed to enlisted men, or volunteers.*

Appropriation for the pay of. SEC. 2. That there be appropriated for the pay of the nurses and cooks, provided for in the above section, one hundred and thirty thousand dollars.

APPROVED August 21, 1861.

CHAP. XXX.—*An Act providing for the disposition of unclaimed Goods deposited in warehouse, as prescribed by existing laws.* August 21, 1861.

*The Congress of the Confederate States of America do enact, That* Collectors of customs to take possession of, and sell certain unclaimed, imported goods.  
 from and after the passage of this act, any collector of the customs is hereby authorized, under such regulations and directions as the Secretary of the Treasury may prescribe, to take possession of, either on board the importing vessel, or at the place of landing, and there to sell at public auction, upon due notice, any imported goods, wares, or merchandize, remaining unclaimed beyond the period prescribed by law for the unloading of the same from the importing vessel, that, may, in the opinion of such collector, from its bulky character, or from its perishable or explosive nature, or from other like causes, render it impracticable to deposit the same in warehouse, as prescribed by law for unclaimed goods.

APPROVED August 21, 1861.

CHAP. XXXI.—*An Act making appropriations for the Public Defence.*

August 21, 1861.

*The Congress of the Confederate States of America do enact, That* Appropriations for the public defence for the year ending 18th Feb., 1862.  
 there be appropriated out of any money in the treasury not otherwise appropriated, for the year ending the eighteenth February, eighteen hundred and sixty-two, the sum of fifty-seven millions dollars for the pay of officers and privates of the army, volunteers and militia in the public service of the Confederate States; for quartermaster's supplies of all kinds, transportation and other necessary expenses; for the purchase of subsistence, stores and commissary property for the ordnance service in all its branches; for engineering, and for the surgical and medical service of the army, in all supplies and necessary expenditures.

SEC. 2. That the above appropriation shall be distributed amongst the several objects of appropriation above specified, in such proportions as shall be determined by the Secretary of War, with the approval of the President.

Distribution.

APPROVED August 21, 1861.

CHAP. XXXII.—*An Act making appropriation for Military Hospitals.*

August 21, 1861.

*The Congress of the Confederate States of America do enact, That* Appropriation for military hospitals for the year ending 18th Feb., 1862.  
 the sum of fifty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury, not otherwise appropriated, for the establishment and support of military hospitals, during the current fiscal year ending February eighteenth, eighteen hundred and sixty-two.

APPROVED August 21, 1861.

CHAP. XXXIII.—*An Act supplemental to "An act to put in operation the government, under the permanent Constitution of the Confederate States of America."*

August 21, 1861.

*The Congress of the Confederate States of America do enact, That* Election of senators for the first Congress.  
 where, in any State of this Confederacy, there shall be no regular session of the Legislature to be held prior to the eighteenth of February, eighteen hundred and sixty-two, it is hereby provided, in obedience to the seventh article of the permanent Constitution, that the election of



senators for the first Congress may be made at any special or extra session of the Legislature of such State, prior to the said eighteenth of February, eighteen hundred and sixty-two.

APPROVED August 21, 1861.

August 21, 1861. CHAP. XXXIV.—*An Act to increase the corps of artillery, and for other purposes.*

Increase of the corps of artillery.

*The Congress of the Confederate States of America do enact, That* there be added to the corps of artillery, Confederate States army, one Lieutenant Colonel and two Majors, with the pay and allowances authorized by existing laws for those grades, respectively.

President authorized to appoint military storekeepers of ordnance.

SEC. 2. That the President be, and he is hereby, authorized to appoint, in addition to the storekeepers authorized by the fifth section of the act of May sixteen, eighteen hundred and sixty-one, "for the establishment and organization of the army of the Confederate States," as

Their pay and allowances.

many military storekeepers of ordnance, with the pay and allowance of a captain of infantry, as the safe keeping of the public property may require, not to exceed in all four storekeepers, who shall, previous to entering on duty, give bonds with good and sufficient security, in such sums as the Secretary of War may direct, fully to account for all moneys and public property, which they may receive.

Act, 1861, May 16, ch. 20, p. 115.  
Bond.

Superintendents of armories, salary and allowances.

SEC. 3. That the President be, and he is hereby, authorized, whenever, in his judgment, the interests of the service may require, and where officers of the army cannot be assigned to these duties, to appoint one or more superintendents of armories for the fabrication of small arms, whose salary shall not exceed two thousand five hundred dollars per annum, with allowance for quarters and fuel at the rate fixed for a major in the army. And that the President be also authorized to appoint two or more master armorers, with a salary not to exceed fifteen hundred dollars per annum, with allowance of quarters and fuel at the rate fixed for a captain in the army.

Master armorer's salary and allowances.

Aids de-camp for President's personal staff. Their rank, pay and allowances.

SEC. 4. That during the existing war, the President may, as commander-in-chief of the forces, appoint, at his discretion, for his personal staff, two aides-de-camp, with the rank, pay and allowances of a colonel of cavalry.

Additional sergeant allowed each company.

SEC. 5. That hereafter, there shall be allowed one additional sergeant to each company in the service of the Confederate States, making in all, five sergeants per company, who shall receive the same pay and allowances as are provided by existing laws for that grade.

APPROVED August 21, 1861.

August 22, 1861. CHAP. XXXV.—*An Act making appropriations to carry into effect section two of an act approved May twenty-first, eighteen hundred and sixty-one, entitled "An act to define with more certainty the meaning of an act entitled 'An act to fix the duties on articles therein named,' approved March fifteenth, eighteen hundred and sixty-one.*

Act 1861, May 21, ch. 45, p. 135.

Appropriation for President of Alabama and Florida railroad company, being difference in duty on railroad iron.

*The Congress of the Confederate States of America do enact, That,* for the purpose of carrying into effect the second section of an act approved May twenty-first, eighteen hundred and sixty-one, entitled "An act to define with more certainty the meaning of an act entitled 'An act to fix the duties on articles therein named,' approved March fifteenth, eighteen hundred and sixty-one, the sum of two thousand three hundred and seventy-nine dollars and eighty cents be, and the same

is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to be paid to Charles T. Pollard, President of the Alabama and Florida railroad company, being the difference between fifteen and twenty-four per cent. duty on railroad iron of the value of twenty-six thousand four hundred and forty-two dollars and twenty-six cents, withdrawn from warehouse at Pensacola, Florida, in the month of April, eighteen hundred and sixty-one.

APPROVED August 22, 1861.

CHAP. XXXVI.—*An Act to authorize the Postmaster General to contract for the carriage of the mails on the route hereafter mentioned.* August 22, 1861.

*The Congress of the Confederate States of America do enact, That* the following mail route be, and the same is hereby, established, to-wit: From station seventeen, on the Savannah, Albany and Gulf railroad, commonly called Groover's Station, in the State of Georgia, to the town of Monticello, in the State of Florida. Mail route established from Groover's Station, in Georgia, to the town of Monticello, in Florida.

SEC. 2. *And be it further enacted, That* the Postmaster General be, and he is hereby, authorized to make the first contract for carrying of the mail over said route, without the necessity of advertising for bids for said contract as required by existing law; and that this act do take effect and be in force, from and after its passage: *Provided, however,* That nothing in this act contained, shall be so construed as to require the Postmaster General to put the mail upon said route, unless in his opinion the public interest demand it. Contract for carrying the mail over said route. Proviso.

APPROVED August 22, 1861.

CHAP. XXXVII.—*An Act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America.* August 22, 1861.

*The Congress of the Confederate States of America do enact, That* every person not a citizen of one of the Confederate States engaged in the military service of the said Confederate States during the existing war against the United States of America, shall thereby, and whilst in such service, be under the protection of the Confederate States as fully as if he were a citizen thereof, the rights of a citizen being to such extent hereby conferred, and moreover shall have the right to become naturalized and to become a citizen of any one of the Confederate States, and shall thereby be entitled to all the rights and privileges of a citizen of said State of the Confederate States upon taking an oath to support the Constitution of such State, and well and faithfully to serve the Confederate States of America, to maintain and support the Constitution and laws thereof, and to renounce all allegiance and obedience to any foreign government, state, sovereignty, prince or potentate, and particularly by name the government, state, sovereignty, prince or potentate of which he may be, or have been, a citizen or subject, and stating which one of the Confederate States he intends to become a citizen of; but if the State in which the said applicant shall have resided next before his application shall afterwards become a member of this Confederacy, the citizenship of said applicant shall remain in said State at his election, notwithstanding proceedings under this act. Rights of citizenship extended to persons, who are not citizens, engaged in the military service of the Confederate States. May become naturalized and become citizens of any one of the Confederate States. Oath.

SEC. 2. The oath prescribed in the preceding section may be made by all persons below the rank of colonel, before the colonel or commanding officer of the regiment to which such persons may be attached, Where the State in which the applicant last resided becomes one of the C. S., his citizenship to remain in that State at his election. Before whom the oath to be taken.

Secretary of War to provide blank forms of the oath, and distribute same.

To inform persons in the military service of this act.

Oath taken to be returned to War Department.

Where to be filed.

Clerk of district court to record the oaths and index the same.

Clerk's fee.

and said oath may be made by colonels, and all officers superior in rank to colonels, and by all persons enlisted in the military service of the Confederate States not attached to regiments, before any commissioned officer of the Confederate States of rank higher than that of colonel. And it shall be the duty of the Secretary of War to provide blank forms of the oath required to be taken as aforesaid, and to cause the same to be distributed whenever necessary, and to make the regulations necessary for informing all persons now engaged in the military service of the Confederate States of the provisions of this act, and to cause all the oaths so taken as aforesaid to be returned to the War Department. And it shall be further the duty of the Secretary of War to file for record, in the district court of the Confederate States for the State and district where the capital may be situated, all the oaths so returned to the War Department as aforesaid. And it shall be the duty of the clerk of said district court to record all oaths of naturalization filed with him as aforesaid, and to keep an index of the same; for which service he shall be entitled to a fee of twenty-five cents for each naturalization oath, to be paid out of the public treasury in the same manner as his other fees of office.

APPROVED August 22, 1861

August 24, 1861. CHAP. XXXVIII.—*An Act making appropriations for the expenses of Government in the Legislative, Executive and Judicial Departments, for the year ending eighteenth of February, eighteen hundred and sixty-two.*

Appropriations for the expenses of the government for the year ending February 18, 1862.

*The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the objects hereafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two:*

Legislative.

LEGISLATIVE.—For compensation and mileage of members of Congress, forty-five thousand dollars.

Executive.

EXECUTIVE.—For contingent and telegraphic expenses of the Executive office, two thousand five hundred dollars.

Department of Justice.

DEPARTMENT OF JUSTICE.—For incidental and contingent expenses, including printing and advertising the laws, two thousand five hundred dollars.

For salary of the law clerk of the Department of Justice, eight hundred and seventy-five dollars.

For salary of superintendent of public printing, and clerk and messenger in his office, three thousand dollars.

For purchase of paper for the printing of Congress and the Executive Departments, under the fourth section of the act of May fourteenth, eighteen hundred and sixty-one, seven thousand dollars.

Treasury Department.

TREASURY DEPARTMENT.—For one chief clerk to aid the first auditor in auditing the accounts of the Post-office Department, at two thousand dollars per annum, per act approved May sixteenth, eighteen hundred and sixty-one, the sum of one thousand five hundred and thirteen dollars and ninety-seven cents.

For fifteen clerks, at twelve hundred dollars each, the sum of thirteen thousand six hundred and twenty-five dollars and eighty-two cents.

For fourteen clerks, at one thousand dollars each, the sum of ten thousand five hundred and ninety-seven dollars and eighty-five cents.

For one messenger, at five hundred dollars per annum, the sum of three hundred and seventy-eight dollars and forty-nine cents.



For one chief clerk for second auditor's office, at fourteen hundred dollars per annum, per act approved May twenty-first, eighteen hundred and sixty-one, the sum of one thousand and forty-four dollars and thirty-nine cents.

For five clerks, per same act, at twelve hundred dollars each, the sum of four thousand four hundred and seventy-six dollars.

For five clerks, per same act, at one thousand dollars each, the sum of three thousand seven hundred and thirty dollars.

JUDICIARY.—For salaries of judges and district attorneys of the Confederate States, and incidental and contingent expenses of courts, twenty-two thousand dollars. Judiciary.

PUBLIC DEBT.—For interest on the public debt, two hundred and fifty thousand dollars. Public debt.

APPROVED August 24, 1861.

CHAP. XXXIX.—*An Act making appropriations to carry into effect, "An act to authorize the issue of treasury notes, and to provide a war tax for their redemption," and for other purposes.* August 24, 1861.

*The Congress of the Confederate States of America do enact, That* Specific appro-  
the following sums, be, and the same are hereby, appropriated, out priations.  
of any money in the treasury not otherwise appropriated, to carry  
into effect "An act to authorize the issue of treasury notes, and to  
provide a war tax for their redemption," for the year ending the  
eighteenth of February, eighteen hundred and sixty-two: For one chief  
clerk, fifteen hundred dollars; for two clerks, twelve hundred dollars  
each, twenty-four hundred dollars; for two clerks, at one thousand dol-  
lars each, two thousand dollars; for five additional clerks, if found  
necessary by the Secretary of the Treasury, at one thousand dollars  
each, five thousand dollars; for printing forms and advertising, ten  
thousand dollars; for paper for bonds, and for engraving and printing  
treasury notes and bonds, one hundred and thirty-seven thousand dollars.

APPROVED August 24, 1861.

CHAP. XL.—*An Act to authorize the issue of inscribed stock in the stead of Coupon Bonds.* August 24, 1861.

*The Congress of the Confederate States of America do enact, That* Certificates of in-  
in all cases where bonds are authorized to be issued under the acts of scribed stock may  
Congress, to raise money for the use of the Confederate States, the be issued in lieu of  
Secretary of the Treasury, at the request of the party interested, may coupon bonds.  
cause to be issued, instead of bonds, certificates of inscribed stock,  
payable to order, transferable at the treasury for the same amount of  
principal, at the same rate of interest, and payable at the same dates as  
are prescribed for the bonds.

SEC. 2. *And be it further enacted, That* if any person shall falsely Forging or coun-  
make, forge or counterfeit, or cause, or procure to be falsely made, terfeiting of said  
forged or counterfeited, or willingly aid or assist in falsely making, or certificates.  
forging, or counterfeiting any certificate of stock, in imitation of, or  
purporting to be, a certificate of stock, issued in accordance with the  
provisions of any acts of Congress, authorizing the issue of any certi-  
ficate of stock, or shall pass, utter or publish, or attempt to pass, utter or

Uttering and publishing, as true, any false, forged or counterfeited certificate of stock, purporting to be a certificate of stock as aforesaid, knowing the same to be falsely made, forged, or counterfeited, or shall falsely alter, or cause or procure to be falsely altered, or willingly aid, or assist in falsely altering any certificate of stock, issued as aforesaid, or shall pass, utter, or publish, or attempt to pass, utter, or publish, as true, any falsely altered certificate of stock, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and being thereof convicted by due course of law, shall be sentenced to be imprisoned and kept at labor for a period of not less than three years, nor more than ten years, and be fined in a sum not exceeding five thousand dollars.

Punishment.

APPROVED August 24, 1861.

August 24, 1861.

CHAP. XLI.—*An Act to establish Assay Offices at Charlotte and Dahlonega.*

*The Congress of the Confederate States of America do enact, That*  
 Assayers at Charlotte and Dahlonega. Their duties. the President be, and he is hereby, authorized to appoint an assayer at Charlotte, North Carolina, and another at Dahlonega, in the State of Georgia, whose duty it shall be to assay and certify the fineness and value of such gold and silver as may be submitted to them respectively to be assayed.

Bond.

SEC. 2. The said assayers shall, respectively, execute a bond to the Confederate States, with sufficient sureties, in such sum as may be approved by the Secretary of the Treasury, to discharge the duties of his office, and shall take oath to discharge the said duties and to support the Constitution of the Confederate States; whereupon the Secretary of the Treasury shall place in his charge, and subject to his use, the buildings used for the mint, and the tools and implements used therein.

Oath.

To have charge of the buildings, used for the mint, &c.

To take care of buildings, grounds &c.

Term of office.

SEC. 3. It shall be the duty of the said assayer to take proper care of the said buildings, grounds, and property, keep the same in good repair, and to restore the same to the Confederate States in like condition in which they were received; he shall hold his office for two years, and shall employ under him, at such rates as he may agree upon, such workmen and inferior officers as he may see fit.

Workmen and inferior officers.

Defraying of expenses of the establishment.

Salary of assayer.

SEC. 4. The whole expense of the establishment shall be defrayed by the assayer; and, in order to defray the same, and to receive a reasonable compensation for his services, he shall be entitled to retain from all metals or ore submitted to him for assay, such seignorage or charge as will enable him to receive an annual salary not exceeding two thousand dollars.

Report of his proceedings.

SEC. 5. The said assayers shall, from time to time, as required by the Secretary of the Treasury, make an accurate report of all proceedings at their offices, in such form as may be required by the said Secretary; and they and their officers shall, at all times, be subject to such orders and regulations as the Secretary of the Treasury may, from time to time, make or direct.

Assayers and their officers subject to orders of Secretary of Treasury.

APPROVED August 24, 1861.

CHAP. XLII.—*An Act making additional appropriations for the Navy of the Confederate States, for the year ending February eighteenth, eighteen hundred and sixty-two.*

August 24, 1861.

*The Congress of the Confederate States of America do enact,* That there be appropriated, out of any money in the Treasury, not otherwise appropriated, for the year ending February eighteenth, eighteen hundred and sixty-two, the following sums for the Navy :

Specific appropriations for the Navy for the year ending Feb. 18, 1861.

For the purchase and building of steamers and gun-boats for coast defences of the Confederate States, the sum of fifty thousand dollars.

For repairing and fitting the steamer Merrimac as an iron-clad ship, the sum of one hundred and seventy-two thousand five hundred and twenty-three dollars.

For raising the ships-of-the-line Columbus, Delaware, Pennsylvania and brig Dolphin, the sum of twenty-five thousand dollars.

For pay, subsistence, and other wants of five hundred additional seamen, ordinary seamen, landsmen and boys, and firemen and coal heavers, the sum of ninety thousand dollars.

For medical supplies and surgeon's necessities, the sum of four thousand dollars.

To pay employees at the Navy Yard, Norfolk, Virginia, from the first day of July, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, the sum of six thousand seven hundred dollars.

For floating defences for New Orleans, Louisiana, eight hundred thousand dollars.

To construct sub-marine batteries for the destruction of vessels, fifty thousand dollars.

To construct a centrifugal gun, invented by Charles S. Dickinson, subject to the conditions of the Act passed for that purpose, five thousand dollars.

For expenditures in the Ordnance Department of the Navy Yard at Norfolk, for the year ending February eighteenth, eighteen hundred and sixty-two, one hundred and fifteen thousand and fifty-one dollars.

For the construction, equipment, and armament of two iron-clad gun-boats, for the defence of the Mississippi river and the city of Memphis, one hundred and sixty thousand dollars.

APPROVED August 24, 1861.

CHAP. XLIII.—*An Act to repeal the fourth section of "An act to regulate Foreign Coins in the Confederate States," approved March sixteenth, eighteen hundred and sixty-one, and for other purposes.*

Aug. 24, 1861.

*The Congress of the Confederate States of America do enact,* That from and after the passage of this act, the fourth section of "An Act to regulate Foreign Coins in the Confederate States," approved March sixteenth, eighteen hundred and sixty-one, be, and the same is hereby repealed, and that hereafter the following gold coin shall pass current as money within the Confederate States of America, and be receivable for the payment of all debts and demands at the following rates, that is to say: The Sovereign, of England, of no less a weight than five pennyweights and three grains, and of the fineness of (915 1-2) nine hundred and fifteen and one-half thousandths, shall be deemed equal to four dollars and eighty-five cents; the Napoleon, of the weight of not less than (4dwt. and 3 1-2 grains) four pennyweights, three grains and one-half, and of a fineness of not less than (899) eight hundred and ninety-nine thousandths, shall be deemed equal to three dollars and eighty-five cents; the Spanish and Mexican Doubloons, of no less a weight than (17 dwt., 8 1-2 grs.) seventeen

Repeal of 2461 of act of 1861, March 14, ch. 42, regulating Foreign Coins.

Foreign gold coin to be current at certain rates.



pennyweights, eight grains and one-half, and of the fineness of not less than (899) eight hundred and ninety-nine thousandths, shall be deemed equal to fifteen dollars and sixty cents.

APPROVED August 24, 1861.

Aug. 23, 1861. CHAP. XLIV.—*An Act amendatory of "An act to prescribe the rates of postage in the Confederate States of America," approved February twenty-third, eighteen hundred and sixty-one.*

Act of 1861, Feb. 23, ch. 13, amended.  
 Pre-payment of postage not required on mail matter addressed to State officers.  
*The Congress of the Confederate States of America do enact, That all mailable matter addressed to officers of the several State governments, for the payment of the postage on which the said governments are responsible, in the adjustment of the accounts of the parties mailing the same, may be transmitted through the mails without the pre-payment of postage thereon: Provided, That the person mailing the same shall endorse thereon his official title and the nature of the matter mailed; and the postage thereon shall be collected of the said governments at the office of delivery.*

Aug. 29, 1861. CHAP. XLV.—*An Act making further appropriations for the service of the Post-Office Department during the year ending the eighteenth February, eighteen hundred and sixty-two.*

Appropriation to supply deficiencies in revenue of Post-Office Department during the year ending Feb. 18, 1861.  
*The Congress of the Confederate States of America do enact, That the sum of five hundred thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department during the year ending the eighteenth February, eighteen hundred and sixty-two.*

APPROVED August 29, 1861.

Aug. 23, 1861. CHAP. XLVI.—*An Act to amend an act entitled "An act to create the clerical force of the several Departments of the Confederate States of America and for other purposes," approved March seventh, eighteen hundred and sixty-one.*

Clerical force of the War Department increased.  
*The Congress of the Confederate States of America do enact, That the clerical force of the War Department shall be increased to the extent and in the manner following, to-wit:*

For the office of the Secretary of War.  
 FOR THE OFFICE OF THE SECRETARY OF WAR.—One clerk, at the rate of two thousand dollars per annum; for the payment of whom, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of one thousand dollars.

Office of Adjutant General.  
 FOR THE OFFICE OF THE ADJUTANT GENERAL.—One clerk at the rate of twelve hundred dollars per annum; one clerk at the rate of one thousand dollars per annum; one clerk at the rate of eight hundred dollars per annum; for whose payment, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of fifteen hundred dollars.

Office of Quartermaster General.  
 FOR THE OFFICE OF THE QUARTERMASTER GENERAL three additional clerks at twelve hundred dollars each per annum; three additional clerks at one thousand dollars each per annum; for whose payment, from

eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of three thousand and three hundred dollars.

FOR THE OFFICE OF THE COMMISSARY GENERAL, for two clerks at the rate of twelve hundred dollars each per annum; for whose payment, from eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of twelve hundred dollars. Office of Commissary General.

FOR THE BUREAU OF ENGINEERS.—One clerk at twelve hundred dollars; one clerk at one thousand dollars; one draughtsman at twelve hundred dollars; for whose payment, from the eighteenth of August, eighteen hundred and sixty-one, to the eighteenth of February, eighteen hundred and sixty-two, there is hereby appropriated the sum of seventeen hundred dollars. Bureau of Engineers.

APPROVED August 29, 1861.

CHAP. XLVII.—*An Act to authorize the construction of certain gun-boats.*

Aug. 29, 1861.

*The Congress of the Confederate States of America do enact, That* in addition to the gun-boats heretofore authorized by law, the President be, and he is hereby, authorized, in his discretion, to cause to be constructed three others, specially adapted to sea-coast defence. Additional gun-boats to be constructed.

SEC. 2. That the sum of four hundred and twenty thousand dollars be, and the same is hereby, appropriated to the object specified in the foregoing section. Appropriation for.

APPROVED August 29, 1861.

CHAP. XLVIII.—*An Act to fix the fees and costs in Admiralty cases.*

Aug. 29, 1861.

*The Congress of the Confederate States of America do enact, That* for all services rendered by clerks, marshals, and district attorneys in admiralty cases in the Confederate Courts, and for which no compensation is now fixed by law, there shall be paid to said officers, and allowed to them in the settlement of their accounts, the same costs and fees as were allowed under the laws of the United States in like cases, which were in force on the eighteenth February, eighteen hundred and sixty-one. Fees in admiralty cases to clerks, marshals and district attorneys.

APPROVED August 29, 1861.

CHAP. XLIX.—*An Act to authorize the Secretary of the Navy to make certain contracts without advertising for proposals.*

Aug. 29, 1861.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Navy be, and he is hereby, authorized, in case he should deem it advisable, to contract for building any gun-boats for which appropriations have been, or may be, made during the present or any previous session of Congress, or for altering other vessels so as to convert them into gun-boats, without advertising for proposals for such work, as required by law: *Provided*, That the contracts so made shall be in writing, and shall be placed on file in the Navy Department, and a copy thereof deposited, without delay, in the office of the controller of the Treasury. Secretary of Navy may contract for building of gun-boat, &c., without advertising for proposals.

Proviso.

APPROVED August 29, 1861.

August 30, 1861. CHAP. L.—*An Act making appropriation for the purchase of a steamer and certain military supplies.*

Appropriation for the purchase of a steamer and military supplies. *The Congress of the Confederate States of America do enact, That the sum of one million of dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, for the purchase of a steamer, and such supplies of leather, shoes, flannel and woolen clothing and blankets for the use of the troops in the service of the Confederate States—the said appropriation to be expended under the direction of the President.*

APPROVED August 30, 1861.

August 30, 1861. CHAP. LI.—*An Act to amend the second section of "An act concerning the transportation of soldiers and allowance for clothing of volunteers, and amendatory of the 'Act for the establishment and organization of the army of the Confederate States.'"*

Amendment of § 2, of act of May 21, 1861, ch. 39.

Secretary of War authorized to provide and furnish clothing for the army. *The Congress of the Confederate States of America do enact, That the Secretary of War be, and he is hereby, authorized and required to provide, as far as possible, clothing for the entire forces of the Confederate States, and to furnish the same to every regiment or company upon the requisition of the commander thereof, the quantity, quality and kind thereof to be established by regulation of the Department, to be approved by the President; and, in case any State shall furnish to its troops and volunteers in the Confederate service such clothing, then the Secretary of War is required to pay over to the Governor of such State the money value of the clothing so furnished.*

Commutation for clothing.

SEC. 2. The commander of every volunteer company shall have the privilege of receiving commutation for clothing at the rate of twenty-five dollars per man for every six months, when they shall have furnished their own clothing.

APPROVED August 30, 1861.

August 30, 1861. CHAP. LII.—*An Act to authorize the establishment of recruiting stations for volunteers from the States of Kentucky, Missouri, Maryland and Delaware.*

Recruiting stations for volunteers from Kentucky, Missouri, Maryland and Delaware. *The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to establish recruiting stations within the Confederate States for the reception of volunteers into the military service of the Confederate States from among persons who are, or have been, residents of the States of Kentucky, Missouri, Maryland and Delaware.*

Commissions as Captains to persons to raise and command companies composed of such volunteers. SEC. 2. That the President be authorized to grant commissions as Captains to such persons as he may think fit to raise and command companies to be composed of such volunteers; upon the condition however, that such officers shall not hold rank or receive pay until such companies have been raised and are mustered into service.

Organization of volunteers into companies and regiments. SEC. 3. Whenever such recruits shall amount to a sufficient number to be formed into companies, the President may direct the same to be so organized, appointing all commissioned officers of the several companies in addition to the captains provided for in the preceding section. And such companies may be organized into regiments in like manner under the direction of the President.



SEC. 4. Until such recruits shall amount to a sufficient number to be organized into companies, they shall receive no compensation except their clothing and rations. No compensation allowed except, &c., till organized.

APPROVED August 30, 1861.

CHAP. LIII.—*An Act to audit the accounts of the respective States against the Confederacy.* August 30, 1861.

*The Congress of the Confederate States of America do enact, That* Auditing of it shall be the duty of such Auditor or Auditors of the Treasury claims of the Department, as may be designated by the Secretary of the Treasury, States against the and to that end the said Secretary be authorized to appoint as many Confederate Gov- extra clerks for the time, as he may deem necessary, at the rate of ernment. salary now allowed for clerks of the Treasury Department, to audit the accounts and claims of the respective States of the Confederacy against the Confederate Government for the advances and expenditures made by the said States respectively for the use and benefit of the Confederacy in preparation for or in conducting the war now existing against the United States, and all claims for advances or expenditures of any kind made by any State prior to the passage of its ordinance of secession, shall be shown to have been made in contemplation of the act of secession afterwards consummated, and of the war that might probably ensue, or in the seizure or acquisition of forts, arsenals, navy yards, armaments, munitions and other useful instrumentalities of war, or in the purchase or manufacture of arms or munitions which have since been transferred to the Confederacy, or in some regular mode been brought into its service for the prosecution of the war aforesaid, before such claims shall be audited and the amount ascertained.

SEC. 2. And in auditing the claims of the States of Virginia, North In auditing the Carolina and Tennessee, reference shall be had to the special compacts claims of certain and engagements had with those States respectively by the Confederate States reference to Government in view of their proposed adhesion to the Provisional Gen- had to the spe- eral Government and the prosecution of cial compacts with the war afterwards, and all claims coming fairly within the purview of those States. such compacts, being properly verified by vouchers, shall, in favor of said States, be audited and ascertained.

SEC. 3. That proof shall be made in all cases by proper vouchers to Proof. the satisfaction of the Auditor that the amount claimed was actually Restriction as to advanced or expended, that the expenditure was proper, and no greater amount. amount for pay and services shall be audited than is allowed by the Auditor to make regulations of the Confederate Government for pay and services in the special report to like cases, and the Auditor shall make a special report of his action Congress. under this law to the Congress at its next session.

SEC. 4. The Secretary of the Treasury shall cause notice to be for- Notice to execu- forwarded to the executive of each of the States of this Confederacy, tive of each State immediately after the passage of this Act, calling on such executive to forward claims. forward the claims which may be held by his State, subject to be audited under the provisions of this act.

APPROVED August 30, 1861.

CHAP. LIV.—*An Act to establish certain Post Routes, therein named.*

August 30, 1861.

SECTION 1. *The Congress of the Confederate States of America do enact, That there be established the following post routes, viz: From* Post routes es- tablished.

Loving Creek Post-Office to Wade's Post-Office, in Bedford county, Virginia. Also, from Charleston, in the county of Tallehatchie, to Friar's Point, in the county of Coahoma, Mississippi. Also, from Culloden to Barnesville, in the State of Georgia. Also, that a route be established from Calhoun, on the Alabama and Florida railroad, in the county of Lowndes, in the State of Alabama, to Benton, in said county, through Mount Willing and Gordonsville. Also, a post route from Clarkesville, in Mecklenburg county, Virginia, to Brownsville, in the State of North Carolina. From Mullens to Lime Kiln, via Campbell Home, in Alabama. Also, from Morganton, in Burke county, North Carolina, to Johnson's Depot, Tennessee. Also, a post route from Louisville, in the county of Winston, to Vaiden, in the county of Carroll, in the State of Mississippi. Also, from Wilmington, North Carolina, to Wadesboro', via Wilmirgton, Charlotte and Rutherford railroad. Also, from Jefferson, Ashe county, North Carolina, to Marion, Smyth county, Virginia. Also from Clarksville to Spadra Bluff, in Johnson county, Arkansas.

APPROVED August 30, 1861.

August 30, 1861. CHAP. LV.—*An Act authorizing the President to inflict retaliation upon the persons of prisoners.*

Preamble.

WHEREAS, The Government of the United States has placed in irons and lodged in dungeons, citizens of the Confederate States acting under the authority of Letters of Marque, issued in accordance with the laws of the Confederate States, by the President thereof, and have otherwise maltreated the same, and have seized and confined sundry other citizens of the said Confederate States, in violation of all principles of humane and civilized warfare; Therefore,

*Be it enacted by the Congress of the Confederate States of America,*

Retaliation on  
the persons of pri-  
soners.

That the President be, and he is hereby, authorized to select such prisoners taken from the United States, and in such numbers as he may deem expedient, upon the persons of whom he may inflict such retaliation, in such measure and kind, as may seem to him just and proper.

APPROVED, August 30, 1861.

August 30, 1861.

CHAP. LVI.—*An Act to provide for the defence of the Mississippi River.*

Floating defences  
for the Mississippi  
river.

*The Congress of the Confederate States of America do enact,* That the President be, and he is hereby, authorized to cause such floating defences, as he may deem best adapted to the protection of the Mississippi river, against a descent of iron plated steam gun-boats, to be constructed or prepared with the least possible delay.

APPROVED August 30, 1861.

CHAP. LVII.—*An Act to amend an act entitled "An act to establish a Patent Office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements and designs," approved May 21, 1861.* August 30, 1861.

Act of 1861, May 21, ch. 46, amended.

*The Congress of the Confederate States of America do enact, That the commissioner of patents, with the approval of the Attorney General, shall have power to appoint, in addition to the examiners of patents, provided by the second section of the above recited act, such assistant examiners at a salary of fifteen hundred dollars per annum, as may be required to transact the current business of the patent office with dispatch.*

Assistant examiners of patents may be appointed.

Salary.

SEC. 2. *And be it further enacted, That the commissioner, with like approval, may appoint a messenger for said office, at a salary of three hundred and sixty dollars per annum.*

Messenger for patent office. His salary.

SEC. 3. *And be it further enacted, That the commissioner be, and he is hereby, authorized to require applicants for patents, and all other persons with whom he is obliged to correspond or to whom drawings and other papers have to be returned for alteration or correction, to deposit a sufficient sum of money to pay the postage: Provided, That in no single case shall the deposit so required exceed two dollars.*

Pre payment of postage by applicants for patents, and others.

APPROVED August 30, 1861.

CHAP. LVIII.—*An Act to provide a mode of authenticating claims for money against the Confederate States, not otherwise provided for.* August 30, 1861.

*The Congress of the Confederate States of America do enact, That all parties having claims for money against the Government of the Confederate States, for the proof and payment of which there is no mode provided by existing laws, before receiving payment of the same, shall file them in the office of the Attorney General; and shall produce, before said officer, at such time, and in such manner as he shall appoint, their testimony proving, or tending to prove, such claims. And, at the next succeeding session of Congress after the hearing of proof, or at any session of Congress during which a hearing of proof upon any claim is had by the Attorney General, he shall report to the Congress such claims as he has allowed and recommend their payment, and he shall also report such claims as he has refused to allow.*

Claims for money against the U. S. to be filed in the office of Attorney General. Proof.

Report thereon by Attorney General to Congress.

SEC. 2. *Be it further enacted, That all citizens of the Confederate States holding demands against the Government of the United States, may file the same in the office of the Attorney General; and the Attorney General shall hear proof of such claims, and cause such proof to be taken down in writing and filed in his office; or he may, in his discretion, permit written testimony, taken by deposition, or in answer to interrogatories filed, to be placed on file in his office, as evidence of such claims. But he shall not pass upon the sufficiency of such evidence, nor make a report to Congress upon such claims, until the close of the existing war.*

Claims of citizens of the U. S. against the U. S. may be filed in the office of the Attorney General. Proof.

When Attorney General to pass upon and report such claims.

APPROVED August 30, 1861.

CHAP. LIX.—*An Act to collect, for distribution, the moneys remaining in the several Post Offices of the Confederate States at the time the postal service was taken in charge by said Government.* August 30, 1861.

*The Congress of the Confederate States of America do enact, That it shall be the duty of the Postmaster General to collect all moneys due*

Postmaster General to collect mo-



neys due from the several postmasters within the Confederate States, and which postmasters at the time the C. S. took charge of postal service, they had not paid over at the time the Confederate States took the charge of the postal service, and the several postmasters are hereby required to account to the General Post-Office of this Government under the same rules, regulations and penalties that were prescribed by the law under which said moneys were received.

How to be appropriated.

SEC. 2. The moneys so received shall be kept separate and distinct from the other funds of the Post-Office Department, and shall constitute a fund for the *pro rata* payment of claims for postal service which accrued before the Postmaster General took charge of the postal service in the States respectively comprising this Confederacy, as may hereafter be provided.

To make proclamation to citizens of the C. S. who have rendered postal service under the U. S. Government to present their claims, verified, &c., to his department.

SEC. 3. It shall be the duty of the Postmaster General to make proclamation that all persons who are citizens of the Confederate States of America, and who may have rendered postal service in any of the States of this Confederacy, under contracts or appointments made by the United States Government before the Confederate States Government took charge of such service, shall present their claims to his department, verified and established according to such rules as he shall prescribe, by a time therein to be set forth not less than six months, and requiring the claimant to

Oath of claimant.

state, under oath, how much has been and the date of such payments, on account of the contract or appointment under which said claim occurred, and what fund or provision has been set apart or made for the further payment of the whole or any portion of the balance of such claim, by the Government of the United States, or of any of the States; and they shall also state, on oath, whether they performed fully the service according to their contracts or appointments during the time for which they claim pay, and if not, what partial service they did perform, and what deductions have been made from their pay, so far as they know, on account of any failure, or partial failure, to perform such service; and the Postmaster General shall, as soon as he shall have collected such moneys from said postmasters, and ascertained the amount of claims against the Post-Office Department and the amount received respectively by the claimants as aforesaid, and the provisions, if any, for future payment, make a report of the same, so that future action may be taken thereon as respects the distribution.

Report thereof by the Postmaster General.

Claims, when barred.

SEC. 4. All claims for postal service required to be presented by this bill shall be barred as against this fund, unless presented within six months after the proclamation of the Postmaster General shall have been made.

APPROVED August 30, 1861.

August 30, 1861. CHAP. LX.—An Act to require the receipt by the Postmasters of the Confederate States of Treasury Notes, in sums of five dollars and upwards, in payment of postage stamps or stamped envelopes.

Treasury notes to be received in payment of postage stamps and stamped envelopes.

The Congress of the Confederate States of America do enact, That so soon as the Postmaster General shall procure postage stamps and stamped envelopes, that the postmasters throughout the Confederate States be required to receive the Treasury notes of the Confederate States at par, for said stamps and stamped envelopes, in all cases where the amount of stamps or stamped envelopes applied for shall be five dollars or other sums for which the Confederate Treasury notes are issued.

Endorsement by member of Congress of his name not to subject him to increase of postage.

SEC. 2. Be it further enacted, That the endorsement by a member of Congress of his name on newspapers or other printed matter sent by him through the mail, shall not by reason of such endorsement subject him to letter or other increase of postage.

APPROVED August 30, 1861.

CHAP. LXI.—*An Act for the sequestration of the estates, property and effects of alien enemies, and for the indemnity of citizens of the Confederate States, and persons aiding the same in the existing war with the United States.* August 30, 1861.

WHEREAS the Government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States of all kinds, whether used for military purposes or not; and whereas, our only protection against such wrongs is to be found in such measures of retaliation as will ultimately indemnify our own citizens for their losses, and restrain the wanton excesses of our enemies: Therefore—

Preamble.

*Be it enacted by the Congress of the Confederate States of America,*

Sequestration of property of alien enemies.

That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits within these Confederate States, and every right and interest therein held, owned, possessed or enjoyed by or for any alien enemy since the twenty-first day of May, one thousand eight hundred and sixty-one, except such debts due to an alien enemy as may have been paid into the Treasury of any one of the Confederate States prior to the passage of this law, be, and the same are hereby, sequestered by the Confederate States of America, and shall be held for the full indemnity of any true and loyal citizen or resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between said Confederate States and the United States of America, and for which he may suffer any loss or injury under the act of the United States to which this act is retaliatory, or under any other act of the United States, or of any State thereof authorizing the seizure, condemnation, or confiscation of the property of citizens or residents of the Confederate States, or other person aiding said Confederate States, and the same shall be seized and disposed of as provided for in this act: *Provided, however,* When the estate, property or rights to be effected by this act were, or are, within some State of this Confederacy, which has become such since said twenty-first day of May, then this act shall operate upon, and as to such estate, property or rights, and all persons claiming the same from and after the day such State so became a member of this Confederacy, and not before: *Provided, further,* That the provisions of the act shall not extend to the stocks or other public securities of the Confederate Government, or of any of the States of this Confederacy held or owned by any alien enemy, or to any debt, obligation, or sum due from the Confederate Government, or any of the States, to such alien enemy: *And provided, also,* That the provisions of this act shall not embrace the property of citizens or residents of either of the States of Delaware, Maryland, Kentucky or Missouri, or of the District of Columbia, or the Territories of New Mexico, Arizona, or the Indian Territory South of Kansas, except such of said citizens or residents as shall commit actual hostilities against the Confederate States, or aid and abet the United States in the existing war against the Confederate States.

Purpose of this act.

Proviso.

Not to apply to certain stocks or other public securities.

Nor to embrace the property of the citizens or residents of certain States and Territories.

SEC. 2. *And be it further enacted,* That it is, and shall be, the duty of each and every citizen of these Confederate States speedily to give information to the officers charged with the execution of this law of any and every lands, tenements and hereditaments, goods and chattels, rights and credits within this Confederacy, and of every right and interest therein held, owned, possessed or enjoyed by or for any alien enemy as aforesaid.

Duty of citizens to notify officers of property sequestered.

SEC. 3. *Be it further enacted,* That it shall be the duty of every attorney, agent, former partner, trustee or other person holding or controlling any such lands, tenements or hereditaments, goods or chattels, rights or credits, or any interest therein, of or for any such alien enemy, speedily to inform the receiver hereinafter provided to be appointed, of the same, and to render an account thereof, and, so far as is practicable, to place the

Attorneys, agents, former partners, trustees, and other fiduciaries to give information to receiver and render account.



Acquitted of responsibility for property reported and turned over. same in the hands of such receiver; whereupon, such person shall be fully acquitted of all responsibility for property and effects so reported and turned over. And any such person wilfully failing to give such information and render such account shall be guilty of a high misdemeanor, and upon indictment and conviction, shall be fined in a sum not exceeding five thousand dollars, and imprisoned not longer than six months, said fine and imprisonment to be determined by the court trying the case, and shall

Penalty for failure. further be liable to be sued by said Confederate States, and subjected to pay double the value of the estate, property or effects of the alien enemy held by him or subject to his control.

Liable to be sued by the C. S. This act to be given in charge to the grand juries.

Their duty.

Receiver to take copy of report of the grand jury and possession of the property reported, and proceed to sequester the same, so Sec. 4. It shall be the duty of the several judges of this Confederacy to give this act specially in charge to the grand juries of these Confederate States, and it shall be their duty at each sitting well and truly to enquire and report all lands, tenements and hereditaments, goods and chattels, rights and credits, and every interest therein, within the jurisdiction of said grand jury, held by or for any alien enemy, and it shall be the duty of the several receivers, appointed under this act, to take a copy of such report, and to proceed in obtaining the possession and control of all such property and effects reported, and to institute proceedings for the sequestration thereof in the manner hereinafter provided.

Appointment of receivers. Sec. 5. *Be it further enacted*, That each judge of this Confederacy shall, as early as practicable, appoint a receiver for each section of the State for which he holds a court, and shall require him, before entering upon the duties of his office, to give a bond in such penalty as may be prescribed by the judge, with good and sufficient security, to be approved by the judge, conditioned that he will diligently and faithfully discharge the duties imposed upon him by law. And said officer shall hold his office at the pleasure of the judge of the district or section for which he is appointed, and shall be removed for incompetency, or inefficiency, or infidelity in the discharge of his trust. And should the duties of any such receiver, at any time, appear to the judge to be greater than can be efficiently performed by him, then it shall be the duty of the judge to divide the district or section into one or more other receivers' districts, according to the necessities of the case, and to appoint a receiver for each of said newly created districts. And every such receiver shall also, before entering upon the duties of his office, make oath in writing before the judge of the district or section for which he is appointed, diligently, well and truly to execute the duties of his office.

Bond.

Tenure of office.

Sub-division of districts and appointment of other receivers.

Oath.

Receiver to take possession, &c., of the property of alien enemies.

May sue for and recover same.

Form of action.

Notice to person in possession of or controlling the property.

Docketing of cause.

Sec. 6. *Be it further enacted*, That it shall be the duty of the several receivers aforesaid to take the possession, control and management of all lands, tenements and hereditaments, goods and chattels, rights and credits of each and every alien enemy within the section for which he acts. And to this end he is empowered and required, whenever necessary for accomplishing the purposes of this act, to sue for and recover the same in the name of said Confederate States, allowing, in the recovery of credits, such delays as may have been, or may be, prescribed in any State as to the collection of debts therein during the war. And the form and mode of action, whether the matter be of jurisdiction in law or equity, shall be by petition to the court setting forth, as best he can, the estate, property, right or thing sought to be recovered, with the name of the person holding, exercising supervision over, in possession of, or controlling the same, as the case may be, and praying a sequestration thereof. Notice shall thereupon be forthwith issued by the clerk of the court, or by the receiver, to such person, with a copy of the petition, and the same shall be served by the marshal or his deputy and returned to the court as other mesne process in law cases; whereupon, the cause shall be docketed and stand for trial in the court according to the usual course of its business, and the



court or judge shall, at any time, make all orders of seizure that may seem necessary to secure the subject-matter of the suit from danger of loss, injury, destruction or waste, and may, pending the cause, make orders of sale in cases that may seem to such judge or court necessary to preserve any property sued for from perishing or waste: *Provided*, That in any case when the Confederate judge shall find it to be consistent with the safe-keeping of the property so sequestered, to leave the same in the hands and under the control of any debtor or person in whose hands the real estate and slaves were seized, who may be in possession of the said property or credits, he shall order the same to remain in the hands and under the control of said debtor or person in whose hands the real estate and slaves were seized, requiring in every such case such security for the safe-keeping of the property and credits as he may deem sufficient for the purpose aforesaid, and to abide by such further orders as the court may make in the premises. But this proviso shall not apply to bank or other corporation stock, or dividends due, or which may be due thereon, or to rents on real estate in cities. And no debtor or other person shall be entitled to the benefit of this proviso unless he has first paid into the hands of the receiver all interests or net profits which may have accrued since the twenty-first May, eighteen hundred and sixty-one; and, in all cases coming under this proviso, such debtor shall be bound to pay over annually to the receiver all interest which may accrue as the same falls due; and the person in whose hands any other property may be left shall be bound to account for, and pay over annually to the receiver, the net income or profits of said property, and on failure of such debtor or other person to pay over such interest, net income or profits, as the same falls due, the receiver may demand and recover the debt or property. And wherever, after ten days' notice to any debtor or person in whose hands property or debts may be left, of an application for further security, it shall be made to appear to the satisfaction of the court that the securities of such debtor or person are not ample, the court may, on the failure of the party to give sufficient additional security, render judgment against all the parties on the bond for the recovery of the debt or property: *Provided, further*, That said court may, whenever, in the opinion of the judge thereof, the public exigencies may require it, order the money due as aforesaid to be demanded by the receiver, and if upon demand of the receiver, made in conformity to a decretal order of the court requiring said receiver to collect any debts for the payment of which security may have been given under the provisions of this act, the debtor or his security shall fail to pay the same, then upon ten days' notice to said debtor and his security, given by said receiver, of a motion to be made in said court for judgment for the amount so secured, said court, at the next term thereof, may proceed to render judgment against said principal and security, or against the party served with such notice, for the sum so secured with interest thereon, in the name of said receiver, and to issue execution therefor.

SEC. 7. Any person in the possession and control of the subject-matter of any such suit, or claiming any interest therein, may, by order of the court, be admitted as a defendant and be allowed to defend to the extent of the interest propounded by him; but no person shall be heard in defence until he shall file a plea, verified by affidavit and signed by him, setting forth that no alien enemy has any interest in the right which he asserts, or for which he litigates, either directly or indirectly, by trust, open or secret, and that he litigates solely for himself, or for some citizen of the Confederate States whom he legally represents; and when the defence is conducted for on account of another, in whole or part, the plea shall set forth the name and residence of such other person, and the relation that the defendant bears to him in the litigation. If the cause involves matter

Court or judge may make orders of seizure or sale to preserve property from waste.

When property may be left in the hands of the debtor or other person.

Security for its safe-keeping, &c.

This proviso not to apply to stocks or dividends, or to certain rents.

Interest or profits of property left in hands of debtor or other person to be paid over to receiver.

When further security may be required.

When court or judge may order the money due to be demanded by the receiver.

Notice of motion for judgment on failure to pay.

Judgment and execution.

Who may be admitted as a defendant.

Plea; what to set forth.

Mode of proceeding.

## Jury trial.

which should be tried by a jury according to the course of the common law, the defendant shall be entitled to a jury trial. If it involves matters of equity jurisdiction, the court shall proceed according to its usual mode of procedure in such cases, and the several courts of this Confederacy may, from time to time, establish rules of procedure under this act, not inconsistent with the act or other laws of these Confederate States.

## Writs of garnishment.

SEC. 8. *Be it further enacted*, That the clerk of the court shall, at the request of the receiver, from time to time, issue writs of garnishment, directed to one or more persons, commanding them to appear at the then sitting, or at any future term of the court, and to answer under oath what property or effects of any alien enemy he had at the service of the process, or since has had under his possession or control belonging to or held for an alien enemy, or in what sum, if any, he is or was at the time of service of the garnishment, or since has been indebted to any alien enemy, and

Power of court to condemn property or debts according to answer, and to order the bringing in of third persons.

the court shall have power to condemn the property or effects, or debts, according to the answer, and to make such rules and orders for the bringing in of third persons claiming or disclosed by the answer to have an interest in the litigation as to it shall seem proper; but in no case shall any one be heard in respect thereto until he shall, by sworn plea, set forth substantially the matters before required of parties pleading. And the

No one to be heard without plea.

decree or judgment of the court, rendered in conformity to this act, shall forever protect the garnishee in respect to the matter involved. And in all cases of garnishment under this act, the receiver may test the truth of the garnishee's answer by filing a statement, under oath, that he believes

Judgment of the court to protect garnishee.

the answer to be untrue, specifying the particulars in which he believes the garnishee has, by omission or commission, not answered truly; whereupon

How receiver may test the truth of garnishee's answer.

the court shall cause an issue to be made between the receiver and garnishee, and judgment rendered as upon the trial of other issues. And in

May propound interrogatories.

all cases of litigation under this act the receiver may propound interrogatories to the adverse party touching any matter involved in the litigation,

Period of copy of, on failure to answer, court may dispose of cause,

a copy of which shall be served on the opposite party or his attorney, and which shall be answered under oath within thirty days of such service, and upon failure so to answer, the court shall make such disposition of the cause as shall to it seem most promotive of justice, or should it deem

or imprison the party in default.

answers to the interrogatories necessary in order to secure a discovery, the court shall imprison the party in default until full answers shall be made.

Duty of District Attorney.

SEC. 9. It shall be the duty of the District Attorney of the Confederate States, diligently to prosecute all causes instituted under this act, and he shall receive as a compensation therefor two per cent. upon and from the fruits of all litigation instituted under this act: *Provided*, That no matter shall be called litigated except a defendant be admitted by the court, and a proper plea be filed.

Compensation.

Proviso.

Receivers to render accounts.

SEC. 10. *Be it further enacted*, That each receiver appointed under this act shall, at least every six months, and as much oftener as he may be required, by the court, render a true and perfect account of all matters in his hands or under his control under the law, and shall make and state just and perfect accounts and settlements under oath of his collections of monies and disbursements under this law, stating accounts and making settlements of all matters separately, in the same way as if he were administrator of several estates of deceased persons by separate appointments. And the settlements and decrees shall be for each case or estates separately, so that the transaction in respect to each alien enemy's property may be

Nature and character of the accounts.

Not required until judgment or decree of sequestration.

kept recorded and preserved separately. No settlement as above provided shall, however, be made until judgment or decree of sequestration shall have passed, but the court may at any time pending litigation, require an account of matters in litigation and in the possession of the receiver, and

Court may, at any time, require



may make such orders touching, the same as shall protect the interest of the parties concerned.

SEC. 11. When the accounts of any receiver shall be filed respecting any matter which has passed sequestration, the court shall appoint a day for settlement and notice thereof shall be published consecutively for four weeks in some newspaper near the place of holding the court, and the clerk of the court shall send a copy of such newspaper to the District Attorney of the Confederate States, for the court, where the matter is to be heard, and it shall be the duty of said District Attorney to attend the settlement and represent the government and to see that a full, true and just settlement is made. The several settlements preceeding the final one shall be interlocutory only, and may be impeached at the final settlements, which latter shall be conclusive, unless reversed or impeached within two years, for fraud.

account of matters in litigation, and make orders touching same.

Final settlement of receivers accounts. Notice thereof to be published, &c.

District Attorney to attend settlement.

Interlocutory settlements impeachable.

Final settlement conclusive, unless, &c.

SEC. 12. *Be it further enacted*, That the court having jurisdiction of the matter shall, whenever sufficient cause is shown therefor, direct the sale of any personal property, other than slaves, sequestered under this act, on such terms as to it shall seem best, and such sale shall pass the title of the person as whose property the same has been sequestered.

Court may direct sale of personal property, other than slaves, sequestered under this act.

SEC. 13. All settlements of accounts of receivers for sequestered property shall be recorded and a copy thereof shall be forwarded by the clerk of the court to the Treasurer of the Confederate States within ten days after the decree, interlocutory or final, has been passed; and all balances found against the receiver shall by him be paid over into the court, subject to the order of the Treasurer of the Confederate States, and upon the failure of the receiver for five days to pay over the same, execution shall issue therefor, and he shall be liable to attachment by the court and to suit upon his bond. And any one embezzling any money under this Act shall be liable to indictment, and on conviction shall be confined at hard labor for not less than six months nor more than five years, in the discretion of the court, and fined in double the amount embezzled.

Accounts of receivers to be recorded and copy sent to Treasurer of C. S.

Receiver to pay balances found against him. Execution to issue, on failure. Attachment and suit on his bond.

Punishment for embezzling money under this act.

SEC. 14. *Be it further enacted*, That the President of the Confederate States, shall, by and with the advice and consent of Congress, or of the Senate, if the appointment be made under the permanent Government, appoint three discreet Commissioners, learned in the law, who shall hold at the seat of Government two terms each year, upon notice given, who shall sit so long as the business before them shall require; whose duty it shall be, under such rules as they may adopt, to hear and adjudge such claims as may be brought before them by any one aiding this Confederacy in the present war against the United States, who shall allege that he has been put to loss under the act of the United States, in retaliation of which this act is passed, or under any other act of the United States, or of any State thereof, authorizing the seizure, condemnation or confiscation of the property of any citizen or resident of the Confederate States, or other person aiding said Confederate States in the present war with the United States, and the finding of such Commissioners in favor of any such claim shall be *prima facie* evidence of the correctness of the demand, and whenever Congress shall pass the claim, the same shall be paid from any money in the Treasury derived from sequestration under this act; *Provided*, That said Board of Commissioners shall not continue beyond the organization of the Court of Claims, provided for by the Constitution; to which Court of Claims the duties herein provided to be discharged by Commissioners shall belong upon the organization of said Court. The salaries of said Commissioners shall be at the rate of two thousand five hundred dollars per annum, and shall be paid from the Treasury of the Confederacy. And it shall be the duty of the Attorney General or his

Appointment of Commissioners.

Their duties.

Appointment not to continue beyond the organization of Court of Claims.

Their salaries.

Attorney Gene-



ral or his assistant to represent the interests of this Government in all cases arising under this act before said Board of Commissioners.

SEC. 15. *Be it further enacted*, That all expenses incurred in proceedings under this act shall be paid from the sequestered fund, and the Judges, in settling accounts with Receivers, shall make to them proper allowances of compensation, taking two and a half per cent. on receipts, and the same amount on expenditures, as reasonable compensation, in all cases. The fees of the officers of court shall be such as are allowed by law for similar services in other cases, to be paid, however, only from the sequestered fund; *Provided*, That all sums realized by any Receiver in one year for his services, exceeding five thousand dollars, shall be paid into the Confederate Treasury, for the use of the Confederacy.

Proviso.

Attorney General to furnish uniform rules of proceedings. SEC. 16. *Be it further enacted*, That the Attorney General shall prescribe such uniform rules of proceeding under this law, not herein otherwise provided for, as shall meet the necessities of the case.

Appeals.

SEC. 17. *Be it further enacted*, That appeals may lie from any final decision of the court under this law, in the same manner and within the same time as is now, or hereafter may be by law prescribed for appeals in other civil cases.

The word 'person,' what to include. SEC. 18. *Be it further enacted*, That the word "person" in this law includes all private corporations; and in all cases, when corporations become parties, and this law requires an oath to be made, it shall be

By whom oath to be made when corporation a party.

Settlement of partnerships. SEC. 19. *Be it further enacted*, That the courts are vested with jurisdiction, and required by this act, to settle all partnerships heretofore existing between a citizen and one who is an alien enemy; to separate the interest of the alien enemy, and to sequester it. And shall, also,

Severance of joint rights. sever all joint rights when an alien enemy is concerned, and sequester the interest of such alien enemy.

Preservation of property. SEC. 20. *Be it further enacted*, That in all cases of administration of any matter or thing, under this act, the court having jurisdiction, may make such orders touching the preservation of the property or effects under the direction or control of the Receiver, not inconsistent with the foregoing provisions, as to it shall seem proper. And the

Receiver may have instructions of the court or Judge. Receiver may, at any time, ask and have the instructions of the court, or Judge, respecting his conduct in the disposition or management of any property or effects under his control.

Treasury notes receivable in payment of purchases of property. SEC. 21. That the Treasury notes of this Confederacy shall be receivable in payment of all purchases of property or effects sold under this act.

How this act to be construed. SEC. 22. *Be it further enacted*, That nothing in this act shall be construed to destroy or impair the lien or other rights of any creditor, a

Lien or debt against alien enemy, to be pronounced and filed. Proceedings. against any alien enemy, within the meaning of this act; shall be pronounced and filed in the court, in which the proceedings of sequestration are had, within twelve months from the institution of such proceedings for sequestration; and the court shall cause all proper parties to be made and notices to be given, and shall hear and determine the respective rights of all parties concerned; *Provided, however*, That no sales or payments over of money shall be delayed for, or by reason of, such rights or proceedings; but any money realized by the Receiver, whether paid into the court, or Treasury, or still in the Receiver's hands, shall stand in lieu of that which produced said money, and be held to answer

Proviso.

the demands of the creditors aforesaid, in the same manner as that which produced such money was. And all claims not propounded and filed as aforesaid, within twelve months as aforesaid, shall cease to exist against the estate, property, or effects sequestered, or the proceeds thereof.

APPROVED August 30, 1861.

CHAP. LXII.—*An Act to perpetuate testimony in cases of slaves abducted or harbored by the enemy, and of other property seized, wasted or destroyed by them.* August 30, 1861.

*The Congress of the Confederate States of America do enact, That* Perpetuation of testimony, in case of abduction or harboring of slaves by the enemy.

when any slave or slaves owned by a citizen of the Confederate States, or an inhabitant thereof, shall be, or may have been abducted or harbored by the enemy, or by any person or persons acting under the authority, or color of authority of the United States Government, or engaged in the military or naval service thereof, during the existing war, it shall be lawful for the owner or his attorney to appear before any Judge of the Confederate States, or a commissioner of any court thereof, or any notary public, or in case of there being no such officer within the county, city or corporation, where the proceedings are instituted, before any justice of the peace or alderman, consenting to act in the premises, and adduce proof, oral or written, of the fact of such ownership and abduction or harboring. If the owner of such slave or slaves is laboring under the legal disability of infancy, insanity or coverture, the evidence tending to establish such ownership, and abduction or harboring, may be adduced by the proper legal representative of the owner. In all cases such owner, attorney or representative shall make affidavit of the loss. Such affidavit shall not be taken as evidence of the fact of loss, unless it shall appear to the satisfaction of the officer taking the same that no other and better evidence can be obtained, which fact shall distinctly appear in the certificate of such officer; and it shall be the duty of the judicial officer taking cognizance of the case, to reduce to writing the oral evidence, and to retain the written evidence in support of the alleged ownership and loss, and within thirty days after the hearing, to transmit the same to the Secretary of State of the Confederate States, to be filed and preserved among the archives of the State Department, accompanied by a certificate from the said judicial officer, authenticating the report so made by him. And the said judicial officer shall also state in his certificate of authentication, whether, in his opinion, the evidence so heard and transmitted, is, or is not, entitled to credit. It shall be the duty of the Secretary of State to receive and file in his Department, the report so transmitted, and to furnish to the owners, attorney or representative a duly certified copy thereof, whenever the same shall be demanded.

Proceedings.

Evidence to be filed and preserved in State Department.

Copies to be furnished.

SEC. 2. *And be it further enacted,* That whenever any property, other than slaves, real or personal, belonging to any citizen of the Confederate States, or any inhabitant thereof, shall be seized, wasted or destroyed by the enemy, during the existing war, or by any person or persons acting under the authority, or color of authority of the United States Government, or engaged in the military or naval service thereof, the mode of taking and preserving proof thereof, shall conform in all respects to that prescribed in the above section, and have like effect.

Perpetuation of testimony where property, other than slaves, shall be seized, wasted or destroyed by the enemy.

SEC. 3. *And be it further enacted,* That the provisions of this act shall not be construed as implying that the Confederate States are in any way liable to make compensation for any of the property to which it refers.

Act not to be construed as implying that the C. S. will make compensation.

APPROVED August 30, 1861.



August 30, 1861. CHAP. LXIII.—*An Act to provide for the transmission of Money, Bonds or Treasury Notes.*

Transmission of funds of the C. S. *The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is authorized to make such arrangements for the transmission of the funds of the Confederate States as he shall deem expedient; and for that purpose the sum of twenty thousand dollars is hereby appropriated.*

Appropriation.

APPROVED August 30, 1861.

August 30, 1861. CHAP. LXIV.—*An Act to amend an act entitled "An act recognizing the existence of War between the United States and the Confederate States, and concerning Letters of Marque, Prizes and Prize Goods," approved May sixth, eighteen hundred and sixty-one; and an act entitled "An act regulating the Sale of Prizes and the Distribution thereof," approved May sixteenth, eighteen hundred and sixty one.*

Amendment of section seven of act of 1861, May 6, chapter 3, so as to authorize the breaking of bulk and removal of goods on captured vessels. *The Congress of the Confederate States of America do enact, That the seventh section of the first above recited act be so amended as to permit and authorize the breaking of bulk and the removal by the captors of the whole or any part of the goods found on board a captured vessel whenever such removal may be necessary for the safe carriage of such vessel into port, and also, in all cases where, by grounding or otherwise, the securing of the cargo or any part thereof may require the removal: Provided, That the person in command of the vessel making such capture shall, as soon as practicable, after landing the cargo or any part thereof, cause an exact inventory of the same to be made by the nearest magistrate, wherein shall be specified each and every article so landed, and the marks, if any thereon, and forward the same immediately to the collector of the nearest port; the property so landed shall remain in the custody of such magistrate, and he shall retain possession thereof until the same can be delivered to the marshal; and the court before which such cargo shall be brought, in case the same shall be condemned, may allow such compensation to the magistrate as to the court may seem just and proper: And, provided further, That when such removal shall be made for the purpose of lightening over bars and shoals, and the goods removed shall, as soon thereafter as practicable, be restored on board the prize vessel, the same may be carried to port as if no removal had been made; and no delivery, as provided in the preceding clause, to a magistrate shall be required.*

Inventory of the property. To be filed with collector.

Custody of the property. Compensation.

Proviso, when removal made for the purpose of lightening over bars and shoals.

First sec. of the act of 1861, May 14, ch. 18, amended so as to allow sale of prize vessel and cargo by marshal of adjoining district.

Proviso.

SEC. 2. That the first section of the last above recited act be so amended as to allow the judge of a prize court, wherein any condemnation may be had, to order and decree that the said vessel and the cargo, or any part thereof, may, in his discretion, and to enhance the value thereof, be sold by the marshal of the adjoining district, and at such place therein as he may designate; *Provided, always, That the duties upon all dutiable goods shall be paid from the proceeds of sale.*

APPROVED August 30, 1861.

August 30, 1861. CHAP. LXV.—*An Act vesting certain powers in the Commissioners of the District Courts of the Confederate States.*

Powers vested in commissioners appointed by the district courts.

*The Congress of the Confederate States of America do enact, That the Commissioners appointed by the District Courts of the Confederate States shall have power to issue warrants of arrest against*



offenders, for any crime or offence against the Confederate States, or the laws thereof, and to commit to prison or admit to bail such offender, as the case may be, for trial before such court, as may have cognizance of the offence, and with all the powers in relation to crimes and offences against the Confederate States, or the laws thereof, which are conferred on justices of the peace in relation to crimes and offences against the United States of America, by the act of the twenty-fourth of September, seventeen hundred and eighty-four, of the Congress of said United States, entitled "An Act to establish the Judicial Courts of the United States."

SEC. 2. *And be it further enacted*, That said Commissioners shall have such compensation for their services as is given for like services to Commissioners of the United States, by the act of the Congress of said United States, entitled "An Act to regulate the fees and costs to be allowed Clerks, Marshals and Attorneys of the Circuit and District Courts of the United States, and for other purposes," passed on the twenty-sixth of February, eighteen hundred and fifty-three, or by the laws of the United States at that time; to be allowed by the Courts, and paid out of the Treasury of the Confederate States of America.

Compensation.

APPROVED August 30, 1861.

CHAP. LXVI.—*An Act to authorize the appointment from civil life of Persons to the Staffs of Generals.*

August 31, 1861.

*The Congress of the Confederate States of America do enact*, That the President may, in his discretion, upon the application and recommendation of a General of the Confederate States Army, appoint from civil life, persons to the staff authorized by law of such officer, who shall have the same rank and pay as if appointed from the Army of the Confederate States.

Civilians may be appointed to the staffs of Generals.

APPROVED August 31, 1861.

CHAP. LXVII.—*An Act providing for the appointment of Adjutants of Regiments and Legions, of the grade of Subaltern, in addition to the Subalterns attached to Companies.*

August 31, 1861.

*The Congress of the Confederate States of America do enact*, That the adjutants of regiments and legions, may be appointed by the President upon the recommendation of the Colonel thereof, of the grade of subaltern, in addition to the subaltern officers attached to companies, and said adjutants, when so appointed, shall have the same rank, pay and allowances as are provided by law to adjutants of regiments.

Appointment of adjutants of regiments and legions of the grade of subaltern.

APPROVED August 31, 1861.

CHAP. LXVIII.—*An Act providing for the reception and forwarding of articles sent to the army by private contribution.*

August 31, 1861.

*The Congress of the Confederate States of America do enact*, That the Secretary of War be authorized and required to make all necessary arrangements for the reception and forwarding of clothes, shoes, blankets, and other articles of necessity that may be sent to the army by private contribution.

Reception and forwarding of private contributions for the army.

APPROVED August 31, 1861.

August 31, 1861.

CHAP. LXIX.—*An Act to allow rations to Chaplains in the army.*

Chaplain allowed rations

*The Congress of the Confederate States of America do enact, That Chaplains in the army be, and they are hereby, allowed the same rations as privates.*

APPROVED, August 31, 1861.

August 31, 1861.

CHAP. LXX.—*An Act to reimburse the State of Florida.*

Preamble

WHEREAS, The State of Florida has made large outlays of money in the arming, equip[p]ing and maintaining troops for the service of the Confederate States, and in the construction of sea-coast defences whereby the State of Florida has exhausted her treasury, and has great need of money to carry on her military operations: Therefore—

Secretary of Treasury to issue to the State of Florida \$300,000 in treasury notes  
Provide

*The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Florida, upon the application of the Governor of said State, three hundred thousand dollars in treasury notes: Provided, That the said State deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Florida, authorized to be issued under an ordinance of the Convention of said State, which bonds shall be held by the Secretary of the Treasury until the account of the State of Florida, for advances made for military purposes, is adjusted as Congress may direct.*

APPROVED August 31, 1861.

August 31, 1861.

CHAP. LXXI.—*An Act making an additional appropriation for the payment of Clerks and a Messenger for the Post Office Department, and to authorize the Postmaster General to appoint an additional Messenger for the Post-Office Department.*

Appropriation for pay of temporary clerks and messenger in Post-Office Department, for the year ending Feb. 15, 1862

*The Congress of the Confederate States of America do enact, That the sum of five thousand dollars be, and the same is hereby, appropriated out of any money in the treasury not otherwise appropriated, for the payment of such temporary clerks as the Postmaster General may appoint for the Post-Office Department, and for the payment of an additional messenger for the Post-Office Department, for the fiscal year ending February eighteenth, eighteen hundred and sixty-two.*

Additional messenger may be appointed. Compensation.

SEC. 2. *Be it further enacted, That the Postmaster General be, and he is hereby authorized to appoint an additional messenger for the Post-Office Department, whose compensation shall not exceed four hundred dollars per annum.*

APPROVED August 31, 1861.

August 31, 1861.

CHAP. LXXII.—*An Act to establish the rates of postage on newspapers and periodicals, sent to dealers therein through the mail, or by express over post routes.*

Rates of postage on newspapers, &c., sent to dealers through the mail.

*The Congress of the Confederate States of America do enact, That persons engaged as dealers in newspapers and periodicals may receive by mail any quantity of such papers and periodicals as they may order, on the payment at the place of delivery, of the same rate of postage as*

is required by the existing law to be paid by the regular subscribers to such newspapers or periodicals.

SEC. 2. It shall be lawful for persons engaged in buying and selling newspapers and periodicals, to carry any quantity of such papers and periodicals over the post roads of the Confederate States, outside of the mail, upon prepaying the postage at the same rate charged to regular subscribers to such papers and periodicals into the post-office nearest the place of publication or purchase thereof; and such prepayment shall be indicated by the stamp of such post-office or by writing upon the paper so sent.

May be carried, outside of the mail; on prepaying the postage.

How prepayment indicated. Amended act 1861, sess. 3, ch. 2.

SEC. 3. Any person violating the provisions of this act shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt in the name and for the use of the Confederate States.

Penalty for violating act. How recoverable.

APPROVED August 31, 1861.



## RESOLUTIONS.

July 30, 1861. [No. 1.] *A resolution to dispose of donations made by certain Churches on the late Fast Day.*

Appropriation of the fund received into the treasury from donations by churches. *Resolved by the Congress of the Confederate States of America, That the sum of five thousand two hundred and seventy-eight dollars and eighty-eight cents, reported by the Secretary of the Treasury as received into the Treasury from donations by churches, on the late fast day, be appropriated as a fund for the use of the soldiers and officers wounded at the late battle of Manassas; and that the same be disbursed and applied by the Secretary of the Treasury, with the concurrence of the Chairman of the Committee of this House.*

APPROVED July 30, 1861.

July 30, 1861. [No. 2.] *Resolutions in relation to the first regiment of North Carolina Volunteers*

President authorized to receive into service the first regiment of North Carolina Volunteers. *Resolved by the Congress of the Confederate States of America, That the President be, and he is hereby, authorized to receive and muster into the service of the Confederate States of America, the first regiment of North Carolina Volunteers now stationed at Yorktown, for the term of six months, from the time they were sworn in and mustered into the service of North Carolina, and to discharge them after the expiration of that period; said period to commence at the time the first company of said regiment was mustered into the service of North Carolina.*

Also cadets from North Carolina Institute. *Resolved, further, That the Cadets from the North Carolina Institute, at Charlotte, who may have been acting with said regiment, be mustered into service in the same manner as the residue of the regiment, and recognized as part thereof, with the pay of privates.*

APPROVED, July 30, 1861.

August 6, 1861. [No. 3.] *Resolutions of thanks to Generals Joseph E. Johnston and Gustave T. Beauregard, and the officers and troops under their command at the battle of Manassas.*

Thanks of Congress to Generals Johnston and Beauregard, and the officers and troops under their command. *Resolved by the Congress of the Confederate States of America, That the thanks of Congress are eminently due, and are hereby cordially given, to General Joseph E. Johnston and General Gustave T. Beauregard, and to the officers and troops under their command, for the great and signal victory obtained by them over forces of the United States far exceeding them in number, in the battle of the twenty-first of July, at Manassas; and for the gallantry, courage and endurance evinced by them, in a protracted and continuous struggle of more than ten hours; a victory, the great results of which will be realized in the future successes of the war, and which, in the judgment of Congress, entitles all who contributed to it, to the gratitude of their country. Resolved,*

further, That the foregoing Resolution be made known in appropriate General Orders, by the Generals in command, to the officers and troops to whom they are addressed.

APPROVED August 6, 1861.

[No. 4.] *Resolutions touching certain points of Maritime Law, and defining the position of the Confederate States in respect thereto.* August 13, 1861.

WHEREAS, The Plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia and Turkey, in a Conference held at Paris, on the 16th of April, 1856, made certain declarations respecting maritime law, to serve as uniform rules for their guidance, in all cases arising under the principles thus proclaimed: *And, whereas*, it being desirable, not only to attain certainty and uniformity, as far as may be practicable in maritime law, but also to maintain whatever is just and proper in the established usages of nations, the Confederate States of America deem it important to declare the principles by which they will be governed in their intercourse with the rest of mankind. Now, therefore—

Preamble.

*Be it resolved by the Congress of the Confederate States of America,* Resolutions touching certain points of maritime law.  
1. That we maintain the right of privateering, as it has been long established by the practice and recognized by the law of nations.

2. That the neutral flag covers enemy's goods, with the exception of contraband of war.

3. That neutral goods, with the exception of contraband of war, are not liable to capture, under enemy's flag.

4. That blockades, in order to be binding, must be effectual; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

APPROVED August 13, 1861.

[No. 5.] *A resolution in relation to the equipments of volunteer cavalry companies.* August 21, 1861.

*Resolved by the Congress of the Confederate States of America,* That the Secretary of War be, and he is hereby, authorized, in his discretion, to furnish to volunteer cavalry companies, whose services are accepted for the war by the Confederate States, all necessary equipments. Equipments to be furnished volunteer cavalry companies.

APPROVED August 21, 1861.

[No. 6.] *Preamble and resolutions concerning Brigadier General Ben. McCullough.* August 22, 1861.

WHEREAS, it has pleased Almighty God to vouchsafe to the arms of the Confederate States another glorious and important victory in a portion of the country where a reverse would have been disastrous by exposing the families of the good people of the State of Missouri to the unbridled license of the brutal soldiery of an unscrupulous enemy: Therefore, be it

Preamble.

*Resolved by the Congress of the Confederate States,* That the thanks of Congress are cordially tendered to Brigadier General Ben. McCullough and the officers and soldiers of his brave command, for their gallant Thanks of Congress tendered to Brig. Gen. McCullough and the offi-

cers and soldiers under his command. conduct, in defeating, after a battle of six and a half hours, a force of the enemy equal in numbers and greatly superior in all their appointments; thus proving that a right cause nerves the hearts and strengthens the arms of the Southern people, fighting, as they are, for their liberty, their homes and firesides, against an unholy despotism.

*Resolved, further,* That in the opinion of Congress, General McCulough and his gallant troops are entitled to, and will receive, the grateful thanks of our people.

*Resolved, further,* That the foregoing resolutions be communicated to that command by the proper department.

APPROVED August 22, 1861.

August 31, 1861.

[No. 7.] *A resolution in relation to drillmasters appointed by States.*

Preamble.

WHEREAS, Under the authority of some of the States, drillmasters were attached to various regiments; *And, whereas,* such office[r]s are not recognized by the laws of the Confederate States, and consequently were not mustered into service: *And whereas,* several of such drillmasters have nevertheless continued to do effective service, voluntarily, with their respective regiments: Therefore,

*Resolved,* That such drillmasters be granted an honorable discharge whenever they shall apply therefor.

APPROVED August 31, 1861.

August 31, 1861.

[No. 8.] *Resolutions to provide troops in the field with bread and fresh provisions.*

When troops in the field to be furnished with bread.

*Resolved by the Congress of the Confederate States of America,* That the Secretary of War be, and he is hereby, directed to furnish to such of our troops in the field as desire it, upon requisition made, and whenever practicable, in lieu of the usual ration of flour an equivalent of well backed bread; to this end he is authorized to establish bakeries in such numbers and at such points as may be necessary or to make contracts for the supply of such bread.

Bakeries to be established.

Daily ration of fresh vegetables for troops.

*Resolved,* That a daily ration of fresh vegetable[s] be furnish[ed] to all troops whenever the same can be provided at reasonable cost and charges to the government.

APPROVED August 31, 1861.

August 31, 1861.

[No. 9.] *Resolutions in regard to certain moneys of the Congress.*

Secretary of Congress to place certain money in his hands to credit of contingent fund of Congress.

*Resolved,* That J. J. Hooper, Secretary of the Congress, be directed to place the sum of three hundred and twenty-five dollars, for which he sold the iron safe of the Congress to the Governor of Alabama, to the credit of the contingent fund of the Congress.

Other sums to be placed to credit of said fund, by the agent of the Treasury Department.

*Resolved, further,* That the sums for which the articles of furniture of the Congress, at Montgomery, and of the Committee on the Revision of the Laws, were sold, be also placed to the credit of said contingent fund, by the Agent of the Treasury Department under whose direction the said articles were sold.



*Resolved, further,* That said Secretary report to the Congress, at its next session, his action under these resolutions. Secretary to report to Congress.

APPROVED August 31, 1861.

[No. 10.] *Resolutions in respect to the accounts of the Congress.*

August 31, 1861.

*Resolved by the Congress of the Confederate States of America,* That the accounts against the Congress, based on and being within the estimates of the Secretary for expenses payable out of the contingent fund of the Congress, shall be paid out of said fund, where such estimates are marked "Approved" by the Chairman of the Committee on Accounts, and where the said Secretary certifies the accounts founded thereon to be just and correct. Accounts against Congress payable out of contingent fund of Congress.

*Resolved, further,* That accounts against the Congress, approved by said Committee of Accounts, be paid out of said contingent fund.

APPROVED August 31, 1861.



# PUBLIC ACTS OF THE PROVISIONAL CONGRESS

## OF THE

## CONFEDERATE STATES.

*Passed at the fourth session,\* of the Provisional Congress, which was begun and held at the City of Richmond, on Tuesday, the third day of September, 1861, and ended on the same day.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

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### STATUTE IV.

CHAP. I.—*An Act to authorize the President to continue the appointments made by him, in the Military and Naval Service, during the recesses of Congress, or the last or present session, and to submit them to Congress at its next session.* Sept. 3, 1861.

*The Congress of the Confederate States of America do enact, That* the President be authorized to continue the appointments made by him, in the military and naval service, during the recesses of Congress, or during the last or present session, and to submit them to Congress at the commencement of its next session.

President authorized to continue appointments made by him in the military and naval service.

APPROVED September 3, 1861.

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CHAP. II.—*An Act supplemental to an act to establish the rates of postage on newspapers and periodicals sent to dealers therein through the mails, or by Express over post roads.* Sept. 3, 1861.

*The Congress of the Confederate States of America do enact, That* the word "the" where it last occurs in the second section of said act be, and the same is hereby, stricken out, and the word "each" substituted in its stead.

Amendment of 2 of act of 1861. Aug. 31, ch. 72 establishing rates of postage on newspapers, &c.

APPROVED September 3, 1861.

\* For the proclamation calling this session of Congress, see Appendix. Proclamation No. 1, *post p.*





## APPENDIX—PROCLAMATIONS.

### PROCLAMATION

NO. I.—CALLING AN EXTRA SESSION OF CONGRESS.

*By the President of the Confederate States of America—A Proclamation.*

Sept. 2, 1861.

WHEREAS, through accident, a bill to authorize the President to continue the appointments made by him in the military and naval service during the recess of Congress or the present session, and to submit them to Congress at its next session, failed to be delivered to the President for his signature prior to the adjournment of Congress; and whereas, the failure of said bill to become a law, would cause serious inconvenience to the public service—

Preamble as to appointments in the military and naval service.

Now, therefore, I, JEFFERSON DAVIS, President of the Confederate States, do issue this my proclamation, convoking the Congress of the Confederate States for the transaction of business, at the Capitol, in the city of Richmond, on the 3d day of September, at 12 o'clock, noon, of that day, of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Congress convoked.

{ SEAL }

Given under my hand and the Seal of the Confederate States, at Richmond, this 2nd day of September, A. D., 1861.

JEFFERSON DAVIS.

By the President,

R. M. T. HUNTER, *Secretary of State.*





# PUBLIC ACTS OF THE PROVISIONAL CONGRESS

## OF THE

## CONFEDERATE STATES.

*Passed at the fifth session of the Provisional Congress, which was begun and held at the city of Richmond, on Monday, the eighteenth day of November, 1861, and ended on the eighteenth day of February, 1862.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

### STATUTE V.

CHAP. I.—An Act to admit the State of Missouri into the Confederacy, as a member of the Confederate States of America. Nov. 28, 1861.

*The Congress of the Confederate States of America do enact, That* the State of Missouri be, and is hereby, admitted as a member of the Confederate States of America, upon an equal footing with the other States of the Confederacy, under the Constitution of the provisional government of the same. Missouri admitted.

APPROVED November 28, 1861.

CHAP. II.—An Act to enable the State of Missouri to elect members of the House of Representatives. Nov. 22, 1861.

*The Congress of the Confederate States of America do enact, as follows:* In case the State of Missouri shall adopt and ratify the Constitution for the permanent government of the Confederate States of America, the time for holding in said State the first election for members of the House of Representatives, in the Congress of said Confederate States, under said Constitution, shall be such as may be designated by the Legislature of said State; which election shall be conducted, in all respects, according to said Constitution and the law of said State, then in force for that purpose; and if no provision by law shall have been made for such election, then according to the laws heretofore existing therein for the election of members of the House of Representatives in the Congress of the United States. Election of members from Missouri to the House of Representatives.

SEC. 2. The State of Missouri shall be entitled to elect thirteen members to the House of Representatives, the same being upon the basis Number.

of one member for every ninety thousand representative population, and one additional member for a fraction over one-half of the ratio aforesaid, under the census of the United States, taken in eighteen hundred and sixty, and being the same basis of representation fixed for the seven original States, in said Constitution for permanent government.

APPROVED November 29, 1861.

1861, Dec. 7.

CHAP. III.—*An Act for the employment of laundresses in Military Hospitals.*

Employment of laundresses in military hospitals. *The Congress of the Confederate States of America do enact, That superintendents of the different military hospitals be, and they are hereby, authorized to employ laundresses for the sick and wounded soldiers, at such rates, and in such numbers, as may be prescribed by the War Department.*

APPROVED December 7, 1861.

1861, Dec. 7.

CHAP. IV.—*An Act to authorize the appointment of one or more officers to aid the President to sign commissions in the army.*

Officers to affix signature of the President to commissions in the army. *The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to delegate power to one or more officers, to be selected by him, to affix the signature of the President to commissions in the army.*

APPROVED December 7, 1861.

1861, Dec. 10.

CHAP. V.—*An Act for the admission of the State of Kentucky into the Confederate States of America, as a member thereof.*

Kentucky admitted. *The Congress of the Confederate States of America do enact, That the State of Kentucky be, and is hereby, admitted a member of the Confederate States of America, on an equal footing with the other States of this Confederacy.*

APPROVED December 10, 1861.

1861, Dec. 10.

CHAP. VI.—*An Act to authorize the Secretary of War to appoint an Assistant.*

Appointment of Assistant Secretary of War. *The Congress of the Confederate States of America do enact, That, the Secretary of War be, and he is hereby, authorized and empowered to appoint an assistant, who shall be known as the Assistant Secretary of War, who shall perform such duties as may be assigned him by the Secretary, and receive as compensation for his services three thousand dollars per annum.*

APPROVED December 10, 1861.

1861, Dec. 10.

CHAP. VII.—*An Act to authorize the appointment of chief buglers and principal musicians to regiments in the provisional army.*

Chief bugler or principal musician for each regiment. *The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to appoint a chief bugler or principal musician, according to corps, to each regiment in the provisional army.*

APPROVED December 10, 1861.

CHAP. VIII.—*An Act to authorize the enlistment of additional seamen.*

1861, Dec. 10.

*The Congress of the Confederate States of America do enact*, That the President be authorized to enlist for the war any additional number of seamen, not to exceed two thousand, that the exigencies of the naval service, and the defence of the sea coast and of rivers and harbors may, in his judgment, render necessary.

Enlistment of additional seamen for the war.  
Maximum.

APPROVED December 10, 1861.

CHAP. IX.—*An Act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army.*

1861, Dec. 11.

*The Congress of the Confederate States of America do enact*, That a bounty of fifty dollars be, and the same is hereby, granted to all privates, musicians and non-commissioned officers in the provisional army, who shall serve continuously for three years or for the war, to be paid at the following times, to wit: To all now in the service for twelve months, to be paid at the time of volunteering or enlisting, for the next two ensuing years subsequent to the expiration of their present term of service. To all now in the service for three years, or for the war, to be paid at the expiration of their first year's service. To all who may hereafter volunteer or enlist for three years or for the war, to be paid at the time of entry into service.

Bounty granted to privates, musicians and non-commissioned officers.

Times of payment.

SEC. 2 *And be it further enacted*, That furloughs not exceeding sixty days, with transportation home and back, shall be granted to all twelve months men now in the service, who shall, prior to the expiration of their present term of service, volunteer or enlist for the next two ensuing years subsequent to the expiration of their present term of service or for three years or the war; said furloughs to be issued at such times and in such numbers as the Secretary of War may deem most compatible with the public interest; the length of each furlough being regulated with reference to the distance of each volunteer from his home: *Provided*: That in lieu of a furlough, the commutation value in money of the transportation herein above granted, shall be paid to each private, musician or non-commissioned officer, who may elect to receive it, at such time as the furlough itself would otherwise be granted.

Furloughs with transportation granted to twelve months men.

When to be issued.

Length of furlough.

What may be received in lieu of furlough.

SEC. 3. This Act shall apply to all troops who have volunteered or enlisted for a term of twelve months or more in the service of any State, who are now in the service of the said State, and who may hereafter volunteer or enlist in the service of the Confederate States under the provisions of the present Act.

To what troops this act to apply.

SEC. 4. *And be it further enacted*, That all troops re-volunteering or re-enlisting shall, at the expiration of their present term of service, have the power to re-organize themselves into companies and elect their company officers, and said companies shall have the power to organize themselves into battalions or regiments and elect their field officers; and after the first election, all vacancies shall be filled by promotion from the company, battalion or regiment in which such vacancies may occur: *Provided*, That whenever a vacancy shall occur, whether by promotion or otherwise, in the lowest grade of commissioned officers of a company, said vacancy shall always be filled by election: *And provided further*, That in the case of troops which have been regularly enlisted into the service of any particular State prior to the formation of the Confederacy, and which have by such State been turned over to the Confederate government, the officers shall not be elected, but ap-

Re-organization of troops re-volunteering or re-enlisting at the expiration of their present term of service.

Vacancies filled by promotion.

In the lowest grade of commissioned officers filled by election.

Officers of certain State troops turned over to the C. S., appointed, &c., as heretofore.



appointed and promoted in the same manner and by the same authority as they have heretofore been appointed and promoted.

APPROVED December 11, 1861.

1861, Dec. 12.

CHAP. X.—*An Act to divide the State of Tennessee into three Judicial Districts.*

Tennessee divided into three judicial districts.

*The Congress of the Confederate States of America do enact,* That the State of Tennessee shall constitute three judicial districts, to be denominated the eastern, middle and western districts, the territorial boundaries in which shall be the same as those designated by the laws of the United States, before the separation of said State from the Union.

One district judge for the whole State.

SEC. 2. There shall be, as heretofore, one district judge for the whole State, whose duty it shall be to hold two terms of his court every year, in each of said divisions or districts, at the times and places prescribed by law at the time the State withdrew from the United States.

To hold two terms in each district.

SEC. 3. It shall be the duty of the President of the Confederate States to appoint a marshal and attorney for each of said districts.

Marshal and attorney for each district.

APPROVED December 12, 1861.

1861, Dec. 18.

CHAP. XI.—*An Act to provide for the payment of the carriers of the electoral votes of the respective States of the Confederacy.*

Mileage and pay allowed carriers of electoral votes.

*The Congress of the Confederate States of America do enact,* That mileage, at the rate of ten cents a mile and eight dollars per diem, to be computed for the number of days actually required by the ordinary routes of travel to and from the capitals of the respective States to the capital of the Confederacy, be, and are hereby, allowed to the carriers of the electoral votes to the seat of government.

APPROVED December 18, 1861.

1861, Dec. 18.

CHAP. XII.—*An Act providing for the transfer of certain appropriations.*

Transfer of certain appropriations.

*The Congress of the Confederate States of America do enact,* That all sums remaining unexpended out of the appropriations made by the following acts, to-wit: First, "An act making appropriations for the support of the regular army of the Confederate States of America, for twelve months, and for other purposes," approved March eleventh, eighteen hundred and sixty-one; Second, "An act making appropriations in addition to those already made for the military service of the Confederate States of America, for the fiscal year ending the eighteenth day of February, one thousand eight hundred and sixty-two," approved May twenty-first, eighteen hundred and sixty-one, be, and the same are hereby, ordered to be transferred for distribution and expenditure in the manner provided in the second section of an act entitled "An act making appropriations for the public defence," approved on the twenty-first day of August, eighteen hundred and sixty-one.

1861, March 11.

1861, May 21.

1861, Aug. 21.

APPROVED December 18, 1861.

CHAP. XIII.—*An Act to establish the date from which the commissions of certain staff officers shall take effect.* 1861, Dec. 18.

*The Congress of the Confederate States of America do enact, That* all surgeons, assistant surgeons, quartermasters, commissaries and assistant quartermasters and commissaries, appointed and commissioned in the provisional army, and who may have commenced their service before receiving their commissions, shall be entitled to take rank and receive pay from the date when they actually commenced to perform their respective duties, with troops in the service of the Confederacy.

APPROVED December 18, 1861.

CHAP. XIV.—*An Act further supplementary to an act to authorize the issue of treasury notes, and to provide a war tax for their redemption.* 1861, Dec. 19.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Treasury is hereby authorized to pay over to the several banks, which have made advances to the government, in anticipation of the issue of treasury notes, a sufficient amount, not exceeding ten millions of dollars, for the principal, of treasury notes to pay the principal and interest due upon the said advance, according to the engagements made with them.

SEC. 2. The time fixed by the said act, to which this act is further supplementary, for making assessments, is hereby extended to the first day of January next; and the time for the completion and delivery of the lists is extended to the first day of February next; and the time for the return of the said lists to the Chief Collector is extended to the first day of March next; and in cases where the time thus fixed shall be found insufficient, the Secretary of the Treasury shall have power to make further extension as circumstances may require.

SEC. 3. The cash on hand, or on deposit in bank, or elsewhere, mentioned in the fourth section of said act, is hereby declared to be subject to assessment and taxation: and the money at interest, or invested by individuals in the purchase of bills, notes, and other securities for money shall be deemed to include securities for money belonging to non-residents, and such securities shall be returned, and the tax thereon paid by any agent or trustee having the same in possession or under his control. The term "merchandize" shall be construed to include merchandize belonging to any non-resident, and the property shall be returned, and the tax paid by any person having the same in possession as agent, attorney, or consignee: *Provided, That* the words "money at interest," as used in the act to which this act is an amendment, shall be so construed as to include all notes, or other evidences of debt, bearing interest without reference to the consideration of the same. The exception allowed by the twentieth section for agricultural products shall be construed to embrace such products only when in the hands of the producer, or held for his account. But no tax shall be assessed or levied on any money at interest when the note, bond, bill or other security taken for its payment shall be worthless from the insolvency and total inability to pay of the payor or obligor, or person liable to make such payment; and all securities for money taxable under this act shall be assessed according to their value, and the assessor shall have the same power to ascertain the value of such securities as the law confers upon him with respect to other property.

SEC. 4. That an amount of money not exceeding twenty-five thousand dollars, shall be, and the same is hereby, appropriated, out of any money

Collectors to pay in the treasury not otherwise appropriated, to be disbursed under the salaries of clerks, authority of the Secretary of the Treasury, to the Chief State Tax Collectors, for such expenses as shall be actually incurred for salaries of clerks, office hire, stationery and incidental charges, but the books and printing required shall be at the expense of the department, and subject to its approval.

Lien for tax to attach from date of assessment. SEC. 5. The lien for the tax shall attach from the date of the assessment, and shall follow the same into every State of this Confederacy; and in case any person shall attempt to remove any property which may be liable to tax, beyond the jurisdiction of the State, in which the tax is payable, without payment of the tax, the collector of the district may distrain upon and sell the same, in the same manner as is provided in cases where default is made in the payment of the tax.

Collection of the tax may be suspended in counties, &c., occupied by the public enemy. SEC. 6. On the report of any Chief Collector, that any county, town or district, or any part thereof, is occupied by the public enemy, or has been so occupied as to occasion destruction of crops or property, the Secretary of the Treasury may suspend the collection of the tax in such region until the same can be reported to Congress and its action had thereon.

Appointment of district collectors may be suspended when State assumes the payment of the tax, SEC. 7. In case any of the Confederate States shall undertake to pay the tax to be collected within its limits, before the time at which the District Collectors shall enter upon the discharge of their duties, the Secretary of the Treasury may suspend the appointment of such collectors, and may direct the Chief Collector to appoint assessors, and to take proper measures for the making and perfecting the returns, assessments and lists required by law; and the returns, assessments and lists so made shall have the same legal validity, to all intents and purposes, as if made according to the provisions of the act to which this act is supplementary.

Tax lists to conform to this Act. SEC. 8. That tax lists already given, varying from the provisions of this act, shall be corrected so as to conform thereto.

APPROVED December 19, 1861.

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1861, Dec. 19. CHAP. XV.—*An Act for the recruiting service of the provisional army of the Confederate States.*

Recruiting and enlisting men for companies reduced by death and discharges. *The Congress of the Confederate States of America do enact, That the Secretary of War be, and he is hereby, authorized to adopt measures for recruiting and enlisting men for companies in service for the war, or three years, which, by the casualties of the service, have been reduced by death and discharges.*

Company commissioned officers to be detailed for this duty. SEC. 2. *And be it further enacted, That the Secretary of War be, and he is hereby, authorized to detail the company commissioned officers for the above duty, in such numbers and at such times as, in his opinion, will best comport with the public service; the officers thus appointed to enlist and recruit for their respective companies.*

APPROVED December 19, 1861.

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1861, Dec. 21. CHAP. XVI.—*An Act to determine the number of members the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, and in relation to the election and returns thereof.*

Number of members Kentucky entitled to in House of Representatives. *The Congress of the Confederate States of America do enact, That the State of Kentucky shall be entitled to have in the House of Representatives of the Congress of the Confederate States, twelve members.*



SEC. 2. These members shall be elected in the manner, at the time, and at the places which have been, or may hereafter be, prescribed by the Legislature of the State, subject to the provisions of the Constitution of the Confederate States.

Election, &c., of members.

SEC. 3. The persons elected shall be certified by the Governor.

Governor to certify the person elected.

APPROVED December 21, 1861.

CHAP. XVII.—*An Act in relation to taxes on property which has been, or which is liable to be sequestered as the property of alien enemies.*

1861, Dec. 23.

*The Congress of the Confederate States of America do enact*, as follows: That it shall be the duty of the Receivers under the sequestration act, to pay all taxes upon property of alien enemies, which is liable therefor, within their respective districts, out of any funds in their hands as receivers, said payment to be charged to the account of the property upon which the tax has been paid: *Provided, however*, If it appear to any Receiver that such property, in any case, is not worth more than the taxes for which it is liable, he shall report the facts to the Secretary of the Treasury, whose duty it shall be to instruct the Receiver whether he shall pay the taxes or allow the property to be sold for the taxes.

Receivers to pay taxes on property of alien enemies.

Proviso.

SEC. 2. That the Receivers be authorized to sell by order of court, and in such manner, and upon such terms, as the court may prescribe, any property within their respective districts, which has been sequestered, or which is liable thereto, for the purpose of raising money for the payment of the taxes aforesaid.

Sale of sequestered property to raise money for this purpose.

SEC. 3. That whenever a Receiver has not funds in hand, over and above what is necessary for other expenditures, sufficient to pay said taxes, and cannot obtain the same by sale as aforesaid, within the time fixed for the payment of said taxes, he is hereby authorized to give, to the tax collector charged with the collection of the taxes, a certificate of the amount due, and he shall specify therein the property upon which the same is due; and the Secretary of the Treasury shall pay the amount so certified to be due, and shall cause the same to be charged to the sequestration fund. But the giving of the certificate shall be subject to the same condition precedent as provided in regard to payment in the first section of this act.

When receiver may give to collector certificate of amount of taxes due on the property of alien enemies.

What to be specified in the certificate.

Secretary of Treasury to pay the amount and charge same to sequestration fund.

SEC. 4. That the Secretary of the Treasury be authorized to make agreements with the several States, counties, cities and towns for the postponement of the collection of taxes for which the property of alien enemies sequestered, or liable to be; and in case any one or more of the States, counties, cities or towns consent to the same, he is hereby empowered to issue certificates for the amount due, bearing interest at the rate of six per cent. per annum, which shall bind the government to pay the same, and which, when paid, shall be charged to the sequestration fund.

Certificate subject to condition precedent.

Postponement of the collection of taxes on the sequestered property of alien enemies.

Certificates for the amount due.

When paid charged to sequestration fund.

SEC. 5. That whenever the property of an alien enemy sequestered, or liable thereto, has been, or shall hereafter be, sold for taxes, the Secretary of the Treasury is hereby authorized, with the assent of the State in which the property has been sold, to redeem the same by the payment of the sum or sums required to be paid by citizens in such case, or by the issue of certificates therefor, as hereinbefore provided, should he deem it advisable, and in all such cases, such property shall go into the hands of the Receiver for the district in which the same is situate, and be held and accounted for in the same manner as other

Redemption of the sequestered property of alien enemies sold for taxes.

Receiver to take and account for the same.

sequestered property; provided the amount of the redemption shall be charged to the sequestration fund.

APPROVED December 23, 1861.

1861, Dec. 23. CHAP. XVIII.—*An Act to amend "An act to require the receipt by the Postmasters of the Confederate States of treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes," approved August thirtieth, eighteen hundred and sixty-one.*

*The Congress of the Confederate States of America do enact, That the provisions of "An act to require the receipt by the Postmasters of the Confederate States, of treasury notes, in sums of five dollars and upwards, in payment of postage stamps and stamped envelopes," approved August thirtieth, eighteen hundred and sixty-one, be, and the same are hereby, so extended as to require the Postmasters of the Confederate States to receive the treasury notes of the Confederate States in payment of postage in sums equal to the denomination of said treasury notes, and to receive the same on deposit for advance payment of such postage.*

1861, Aug. 30.

Treasury notes receivable in payment of postage or on deposit for advance payment.

APPROVED December 23, 1861.

1861, Dec. 24. CHAP. XIX.—*An Act to authorize the President to confer temporary rank and command on officers of the navy, doing duty with troops.*

Temporary military rank and command conferred on officers of the navy ordered to do duty on shore with troops.

To retain their rank in the navy.

Pay and emoluments.

*The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to confer on any officer of the navy ordered to do duty on shore with troops such temporary military rank and command, and with such limitations and restrictions as he may deem proper.*

SEC. 2. Any officer of the navy on whom military rank and command shall be conferred, in virtue of the foregoing section, shall retain his rank in the navy, and shall be entitled only to the same pay and emoluments that he would have received if no such rank and command had been conferred on him.

APPROVED December 24, 1861.

1861, Dec. 24. CHAP. XX.—*An Act to amend an act entitled "An act to establish a uniform rule of naturalization for persons enlisted in the armies of the Confederate States of America."*

1861, Aug. 22.

Persons who are not citizens, engaged in the naval service of the C. S., entitled to same protection as citizens, and may become naturalized.

Duties of Secretary of the navy.

*The Congress of the Confederate States of America do enact, That the provisions of the above recited Act be, and the same are hereby, extended to all persons, not citizens of one of the Confederate States, who are engaged in the naval service of the Confederate States, during the present war with the United States: Provided, however, That the oath therein prescribed may be administered by the captain or other commanding officer of any national ship, to all persons entitled to the benefit of this Act and attached thereto, and that the duties therein imposed upon the Secretary of War, in regard to persons in the military service, shall be performed by the Secretary of the Navy in reference to persons in the naval service.*

APPROVED December 24, 1861.

CHAP. XXI.—*An Act to provide for the appointment of Chaplains in the Navy.*

1861, Dec. 24.

*The Congress of the Confederate States of America do enact, That* whenever any vessels of the Confederate States navy shall be about to depart for any point beyond the limits of the Confederate States, the President may, in his discretion, employ a chaplain for the voyage, who shall receive the same pay and emoluments as chaplains in the army.

*Chaplains for vessels of the navy about to depart beyond the limits of the C. S. Pay and emoluments.*

APPROVED December 24, 1861.

CHAP. XXII.—*An Act to provide for certain officers of the revenue service.*

1861, Dec. 24.

*The Congress of the Confederate States of America do enact, That* the President is hereby authorized, in his discretion, to employ, during the war, any persons who were officers in the revenue service of the United States, but who resigned in consequence of the secession of either of these States, or who may have been removed from office on account of their adhesion to the Confederate States, or any one of them, in such naval or military service as the public interest may require, and at such salary as he may determine: *Provided*, it shall not exceed the pay to which the officer so employed was entitled to receive from the United States.

*Persons who were officers in the revenue service of the U. S. may be employed in the naval or military service. Salary. Proviso.*

APPROVED December 24, 1861.

CHAP. XXIII.—*An Act to authorize the transfer of a certain appropriation.*

1861, Dec. 24.

*The Congress of the Confederate States of America do enact, That* the unexpended balance of an appropriation made by the act entitled "An act to provide for the pay of officers who have resigned from the United States navy, and whom it is proposed to add to the Confederate States navy," approved May twenty-first, eighteen hundred and sixty-one, be, and the same is hereby, transferred to the appropriation made in the first section of an act entitled "An act making appropriations for the support of the navy, for the year ending fourth of February, eighteen hundred and sixty-two, approved March fifteenth, eighteen hundred and sixty-one.

*Transfer of a certain appropriation.*

1861, May 21.

1861, March 15.

APPROVED December 24, 1861.

CHAP. XXIV.—*An Act to authorize the appointment of additional officers of the Navy.*

1861, Dec. 24.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby, authorized to appoint the following officers of the navy, in addition to those heretofore authorized, to-wit: two captains; five commanders; fifty lieutenants; ten assistant paymasters, and thirty assistant surgeons; said appointments to be made from the navy and from civil life, as the President may see fit, and to terminate at the end of the war.

*President authorized to appoint additional officers in the navy. When appointments to terminate.*

APPROVED December 24, 1861.



1861, Dec. 21.

CHAP. XXV.—An Act making appropriations for the expenses of government, in the Legislative, Executive and Judicial Departments, for the year ending eighteenth of February, eighteen hundred and sixty-two.

- Appropriations for the expenses of government for the year ending Feb. 18, 1861.** *The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated for the objects hereafter expressed, for the year ending the eighteenth of February, eighteen hundred and sixty-two.*
- Members of Congress.** *Legislative.*—For compensation and mileage of members of Congress, seventy-two thousand dollars.
- Private secretary and messenger of the President.** *Executive.*—For compensation of private Secretary and Messenger of the President, two hundred and thirty dollars.
- Office of Secretary of State.** For compensation of the Secretary of State, Assistant Secretary of State, Clerks, and Messenger, eight hundred and eighteen dollars and forty-four cents.
- Office of Secretary of the Treasury.** For compensation of the Secretary of the Treasury, Assistant Secretary, Comptroller, Auditors, Treasurer and Register, and Clerks and Messengers in the Treasury Department, twenty thousand dollars.
- Contingent expenses of the Treasury Department.** For incidental and contingent expenses of the Treasury Department, three thousand dollars.
- Office of Secretary of War.** For compensation of one additional laborer for the Treasury Department, one hundred dollars.
- Contingent expenses of the War Department.** For compensation of Secretary of War, Chief of Bureau, and Clerks and Messengers in the War Department, six thousand dollars.
- Office of Secretary of the Navy.** For incidental and contingent expenses of the War Department, ten thousand dollars.
- Incidental and contingent expenses of the Navy Department.** For compensation of Secretary of the Navy, and Clerks and Messengers in his office, one thousand and seventy-five dollars.
- Incidental and contingent expenses of the Navy Department.** For incidental and contingent expenses of the Navy Department, three thousand five hundred dollars.
- Incidental and contingent expenses of the Post-Office Department.** For incidental and contingent expenses of the Post-Office Department, one thousand dollars.
- Office of the Attorney General.** For compensation of the Attorney General, Assistant Attorney General, Clerks and Messenger in the Department of Justice, four hundred and thirty-four dollars.
- Superintendent of Public Printing.** For salary of the Superintendent of Public Printing, five hundred dollars.
- Printing for the departments.** For printing for the several Executive Departments of the Government, thirty-seven thousand dollars.
- Salaries of Judges, Attorneys and Marshals.** *Judiciary.*—For salaries of Judges, Attorneys, and Marshals, and incidental and contingent expenses of Courts, forty-four thousand dollars.
- Telegraph lines.** *Miscellaneous.*—For compensation of Agents, and for costs of materials, and constructing, repairing and operating telegraph lines, twenty-five thousand dollars.
- Public debt.** *Public Debt.*—For payment of interest on the Public Debt, three hundred thousand dollars.
- Pay of officers and privates, quartermasters supplies transportation, &c.** *War Department.*—For the pay of officers and privates of the army, volunteers and militia, in the service of the Confederate States, for Quartermaster's supplies of all kinds, transportation, and other necessary expenses, forty-six millions, thirty-two thousand one hundred and ninety-nine dollars.
- Subsistence stores and commissary property.** For the purchase of subsistence, stores, and commissary property, nine million one hundred and fifty thousand, eight hundred and seven dollars.
- Ordnance service.** For the ordnance service in all its branches, two million three hundred and forty thousand dollars.
- Engineer service.** For the Engineer service, one hundred and thirty-five thousand dollars.

For Surgical and Medical supplies of the Army, two hundred and fifty thousand dollars. Surgical and medical supplies.

For contingencies of the Army, thirty-four thousand dollars. Contingencies.

For contingent expenses of the Adjutant and Inspector General's office, including office furniture, stationery, printed blanks for the use of the army, postage, telegraphic dispatches, and so forth, and so forth, six thousand, seven hundred dollars. Contingent expenses of Adjutant and Inspector General's office.

*Navy Department.*—For provisions, clothing, and contingencies in the Paymaster's Department, fifty thousand dollars. Provisions, clothing, &c. in paymaster's department of the navy.

For contingents enumerated, twenty thousand dollars. Contingents.

For medical supplies and surgeon's necessities, ten thousand dollars. Medical supplies.

For equipment and repair of vessels of the navy, fifty thousand dollars. Equipment and repair of vessels.

For ordnance and ordnance stores, five hundred and fifty thousand dollars. Ordnance and ordnance stores.

For purchase and building of steamers and gun-boats for coast defences of the Confederate States, two millions of dollars. Steamers and gun-boats.

For repairing and fitting the steamer Merrimac as an iron-clad ship, twenty thousand dollars. Steamer Merrimac.

For floating defences for the Mississippi, five hundred thousand dollars. Floating defences for the Mississippi.

For iron and copper for the use of the navy, five hundred and thirty-five thousand [dollars.] Iron and copper.

For coal for steamers, five hundred thousand dollars. Coal.

For pay of officers and others employed at the navy-yard at Norfolk, Virginia, forty-five thousand dollars. Pay of officers, &c. at the navy yard at Norfolk.

APPROVED December 24, 1861.

CHAP. XXVI.—*An Act supplementary to an act to authorize the issue of treasury notes, and to provide a war tax for their redemption.* 1861, Dec. 24.

*The Congress of the Confederate States of America do enact.* That the authority granted to the Secretary of the Treasury to issue treasury notes by the act to authorize the issue of treasury notes, and to provide a war tax for their redemption, approved August nineteenth, eighteen hundred and sixty-one, be, and the same is hereby, extended and enlarged, so as to authorize the issue of an additional amount of fifty millions of treasury notes of the same character, and subject to the same provisions as the notes authorized by the said act. 1861, Aug. 19.

SEC. 2. The Secretary of the Treasury, with the approval of the President, in addition to the bonds authorized to be issued by the second section of the said act, approved August nineteenth, eighteen hundred and sixty-one, to which this is supplementary, is hereby authorized to issue bonds, not to exceed at any one time an amount of thirty millions of dollars, payable not more than twenty years after date, and to bear an interest not to exceed six per centum per annum, interest payable semi-annually; to be exchanged for treasury notes issued under authority of this act, or of the act to which this is supplementary; and said bonds may, at the option of the holder, be re-converted into treasury notes, under such rules and regulations as the Secretary of the Treasury may prescribe, and the bonds and treasury notes authorized by this act, to be subject to the same provisions, in all respects, not contrary to the provisions of this act, as the bonds and treasury notes authorized to be issued by the act of the nineteenth August, eighteen hundred and sixty-one, to which this is supplementary. Additional amount of fifty millions of treasury notes authorized to be issued.  
Secretary of the Treasury may issue further bonds,  
to be exchanged for treasury notes.  
Bonds reconvertible into treasury notes.  
Bonds and notes subject to provisions of the act of 19th August 1861.

APPROVED December 24, 1861.

1861. Dec. 24. CHAP. XXVII.—*An Act making appropriations to comply in part with treaty stipulations made with certain Indian Tribes.*

Appropriations to Indian tribes under treaty stipulations.	<i>The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby appropriated out of any money in the treasury, not otherwise appropriated, for the objects hereafter expressed :</i>
Creek Indians. Annuities.	<i>Creek Indians.</i> —For perpetual annuities for the year eighteen hundred and sixty-one, (under article forty-one of treaty made with the Creeks, July tenth, eighteen hundred and sixty-one,) twenty-four thousand five hundred dollars.
Interest.	For interest for the year eighteen hundred and sixty-one, (under article forty-one of said treaty,) and arrearages of same on the sum of two hundred thousand dollars, in the treasury of the United States, and which should have been invested for educational purposes, twenty-nine thousand dollars.
Education.	For annual provision for education for the year eighteen hundred and sixty-one, (under article forty-one of said treaty,) seven thousand dollars.
Provisions for wagon makers, &c.	For annual provisions, (under article forty-one of said treaty,) for wagon makers, smiths and smith-shops, iron and steel, and agricultural purposes, for the year eighteen hundred and sixty-one, and arrearages of same, eleven thousand four hundred and sixty dollars.
Compensation of delegates.	For compensation of delegates who negotiated the treaty, (under article forty-seven of the same,) seven hundred and fifty dollars.
Uniform, &c., for principal chief.	For the purchase of uniform, sabre, Maynard rifle, and ammunition for principal Chief, (under secret article of said treaty,) two hundred and forty dollars.
Choctaw and Chickasaw Indians. Annuities, &c.	<i>Choctaw and Chickasaw Indians.</i> —For permanent annuities, and other amounts, payments and allowances, due July first, eighteen hundred and sixty-one, to the Choctaws, (under article fifty-three of treaty made with the Choctaws and Chickasaws, July twelfth, eighteen hundred and sixty-one,) ten thousand five hundred and twenty dollars.
Interest.	For interest due July first, eighteen hundred and sixty-one, on the sum of five hundred thousand dollars, (under same article of said treaty,) held in trust for the Choctaws by the United States, under treaty of of June twenty-second, eighteen hundred and fifty-five, twenty-five thousand dollars.
Advance to Choctaws.	For amount of advance agreed to be made to the Choctaws, (under article sixty-one of said treaty,) fifty thousand dollars.
Annuity to Chickasaws and interest on investments and funds.	For permanent annuity, (under article fifty-six of said treaty, payable to the Chickasaws, and interest on the investments and funds of the Chickasaws in the treasury of the United States, for the year eighteen hundred and sixty-one, twenty-five thousand six hundred and six dollars and eighty-nine cents.
Advance to Chickasaws.	For advance agreed to be made to the Chickasaws, (under article sixty-one of said treaty,) two thousand dollars.
Compensation of delegates.	For compensation of Choctaw and Chickasaw delegates, who negotiated the treaty,) under article sixty-three of the same,) two thousand dollars.
Seminole Indians. Support of schools.	<i>Seminole Indians.</i> —For arrearages due December thirtieth, eighteen hundred and sixty, of annual provision for the support of schools, (under article thirty-eight of treaty made with the Seminoles, August first, eighteen hundred and sixty-one,) thirteen thousand dollars.
Arrearages due for agricultural assistance.	For arrearages due December thirtieth, eighteen hundred and sixty, of annual provision for agricultural assistance, (under article thirty-eight of said treaty,) two thousand dollars.



For arrearages due December thirtieth, eighteen hundred and sixty, for the support of smiths and smith-shops, (under article thirty-eight of said treaty,) two thousand, two hundred dollars. Arrearages for support of smiths and smith-shops.

For permanent annuity, payable December thirtieth, eighteen hundred and sixty-one, (under article thirty-eight of said treaty,) twenty-five thousand dollars. Permanent annuity.

For annual provision for the support of schools, payable December thirtieth, eighteen hundred and sixty-one, (under same article of said treaty,) three thousand dollars. Support of schools.

For annual provision for smiths and smith-shops, payable December thirtieth, eighteen hundred and sixty-one, (under same article of said treaty,) two thousand, two hundred dollars. Annual provision for smiths and smith-shops.

For annual provision for agricultural assistance, payable December thirtieth, eighteen hundred and sixty-one, (under same article of said treaty,) two thousand dollars. Annual provision for agricultural assistance.

For amount to be expended in the erection of school houses, (under same article of said treaty,) one thousand dollars. School houses.

For amount to be paid to the heirs of Sally Factor, deceased, (under article forty of said treaty,) for negroes killed in Florida, five thousand dollars. Heirs of Sally Factor for negroes killed.

For amount to be paid to John Jumper, principal Chief, (under article forty-one of said treaty,) for himself, five hundred dollars, and for other delegates to Florida, four thousand, six hundred and fifty dollars—five thousand, one hundred and fifty dollars. Principal chief and other delegates to Florida.

For compensation of the commissioners who negotiated the treaty, (under article forty-two of same,) five hundred dollars. Compensation of the commissioners.

*Cherokee Indians.*—For interest for the year eighteen hundred and sixty-one, payable January first, eighteen hundred and sixty-two, (under article forty-five of treaty made with the Cherokees, October seventh, eighteen hundred and sixty-one,) and arrearages of same on permanent general fund of the Cherokees, as invested by the United States, forty-three thousand, three hundred and seventy-two dollars and thirty-six cents. Cherokee Indians. Interest and arrearages of same on permanent general fund.

For interest for the year eighteen hundred and sixty-one, payable January first, eighteen hundred and sixty-two, (under article forty-five of said treaty,) and arrearages of same on permanent orphans' fund of the Cherokees, as, in part, invested, and, in part, uninvested, by the United States, four thousand, five hundred dollars. Interest and arrearages of same on permanent orphans' fund.

For interest for the year eighteen hundred and sixty-one, payable January first, eighteen hundred and sixty-two, (under same article of said treaty,) and arrearages of same on permanent school fund of the Cherokees, as invested by the United States, seventeen thousand, seven hundred and seventy-two dollars. Interest and arrearages of same on permanent school fund.

For advance agreed to be made to the Cherokees, on account of their lands between the States of Missouri and Kansas, (under article forty-eight of said treaty,) one hundred and fifty thousand dollars. Advance on account of their lands between the States of Missouri and Kansas.

For moneys due the Cherokee Nation, under the treaty of eighteen hundred and forty-six, as ascertained by article forty-nine of said treaty of eighteen hundred and sixty-one, twelve thousand dollars. Moneys due the nation.

For moneys due the treaty party of the Cherokee Nation, or their legal representatives, provided for by the sixth article of the treaty of eighteen hundred and forty-six, as ascertained by article forty-nine of the said treaty of eighteen hundred and sixty-one, ten thousand, three hundred dollars. Moneys due the treaty party or their representatives.

*Osage Indians.*—For two smiths and two assistants, (under article twenty-three of treaty made with the Osages; October second, eighteen hundred and sixty-one,) for three months ending February eighteenth, eighteen hundred and sixty-two, at seventeen hundred and ten dollars per annum, four hundred and twenty-seven dollars and fifty cents. Osage Indians. Smiths and assistants.

Houses, shops and tools.	For houses, shops and tools for same, (under article twenty-three of said treaty,) fifteen hundred dollars.
Iron, steel and coal.	For seven hundred and fifty pounds of iron, and eighty-five pounds steel, and coal, for the year eighteen hundred and sixty-two, (under article twenty-three of said treaty,) one hundred and fifty dollars.
Hire of wagon-maker.	For the hire of one wagon-maker, for three months ending February eighteenth, eighteen hundred and sixty-two, (under article twenty-three of said treaty,) at six hundred dollars per annum, one hundred and fifty dollars.
House and shop.	For house and shop for same, (under article twenty-three of said treaty,) five hundred dollars.
Medicines.	For purchase of medicines, (under article twenty-four of said treaty,) for the year eighteen hundred and sixty-two, two hundred and fifty dollars.
Salary of physician.	For salary of physician for three months, ending February eighteenth, eighteen hundred and sixty-two, at seven hundred and fifty dollars, (under article twenty-four of said treaty,) one hundred and eighty-seven dollars and fifty cents.
Guns and ammunition.	For the purchase of guns and ammunition to be distributed to the Osages, (under article thirty-five of said treaty,) twenty-five hundred dollars.
Annual addition to school fund.	For annual addition to school fund for the Osages, payable January first, eighteen hundred and sixty-two, (under article forty of said treaty,) five thousand dollars.
Clothing and other articles.	For annual purchase of clothing and other articles, to be distributed to the Osages during the year eighteen hundred and sixty-two, (under article thirty-nine of said treaty,) ten thousand dollars.
Interest on former school fund.	For annual interest for the year eighteen hundred and sixty-one, on former school fund, payable January first, eighteen hundred and sixty-one, (under article forty of said treaty,) one thousand nine hundred and three dollars and forty-four cents.
Quapaw Indians, etc.	<i>Quapaw Indians, etc.</i> —For the purchase of guns and ammunition, to be distributed to the Quapaws, (under article thirty of treaty made with the Quapaws, October fourth, eighteen hundred and sixty-one,) one thousand dollars.
Guns and ammunition.	
Medicines.	For the purchase of medicines for the Quapaws, Senecas, Senecas and Shawnees, for the year eighteen hundred and sixty-two, (under article thirty-one of said treaty,) two hundred and fifty dollars.
Compensation of physician.	For compensation of physician for the Quapaws, Senecas, Senecas and Shawnees, (under article thirty-one of said treaty,) for three months ending February eighteenth, eighteen hundred and sixty-two, at seven hundred and fifty dollars per annum, one hundred and eighty-seven dollars and fifty cents.
Clothing and other articles.	For annual provision for the purchase of clothing and other articles for the Quapaws, for the year eighteen hundred and sixty-two, (under article thirty-two of said treaty,) two thousand dollars.
Hire of smith and assistant.	For hire of one smith and one assistant, (under article thirty-three of said treaty,) for three months, ending February eighteenth, eighteen hundred and sixty-two, at eight hundred and fifty dollars per annum, two hundred and twelve dollars and fifty cents.
House, shop and tools.	For house, shop and tools for smith, (under article thirty-three of said treaty,) seven hundred and fifty dollars.
Hire of wagon-maker for Quapaws.	For hire of one wagon-maker for Quapaws, (under article thirty-four of said treaty,) for three months, ending February eighteenth, eighteen hundred and sixty-two, at six hundred dollars per annum, one hundred and fifty dollars.

For house, shop, tools and materials for same, (under article thirty-four of said treaty,) seven hundred and fifty dollars. House, shop, tools and materials

For purchase of four wagons, four sets of harness for each, ten yoke of oxen, and ten sets of horse gear complete, (under article thirty-six of said treaty,) one thousand dollars. Wagons, harness, oxen, &c.

For annual provision for purposes of education for Quapaws, due January first, eighteen hundred and sixty-two, (under article thirty-seven of said treaty,) twenty-five hundred dollars. Education.

For annual salaries of first and second Chiefs of Quapaws, due January first, eighteen hundred and sixty-two, (under article thirty-eight of said treaty,) two hundred dollars. Salaries of first and second Chiefs of Quapaws.

*Seneca and Shawnee Indians.*—For annual interest due January first, eighteen hundred and sixty-two, to the Seneca tribe, on moneys due by the United States, (under article thirty, of treaty made with the Senecas, &c., October fourth, eighteen hundred and sixty-one,) twelve hundred and fifty dollars. Seneca and Shawnee Indians. Interest to Seneca tribe on moneys due by U. S.

For annual interest due January first, eighteen hundred and sixty-two, to the Senecas and Shawnees, on moneys due by the United States, (under article thirty of said treaty,) one thousand eight hundred and ninety-two dollars and ninety-six cents. Interest to Senecas and Shawnees on moneys due by U. S.

For interest due the Seneca tribe, and the Cayugas among the Senecas and Shawnees, on moneys due them by the State of New York, to wit: one thousand one hundred and forty-six dollars, due July first, eighteen hundred and sixty-one, and one thousand one hundred and fifty-six dollars, due January first, eighteen hundred and sixty-two, (under article thirty-one of said treaty,) two thousand two hundred and ninety-two dollars. Interest due the Seneca tribe and the Cayugas, on moneys due them by the U. S.

For the erection of two school houses for the Senecas and the Senecas and Shawnees, (under article thirty-three of said treaty,) two hundred and fifty dollars. School-houses.

For annual amount to be expended, for the purchase of clothing and other articles, for Senecas, and Senecas and Shawnees, for the year eighteen hundred and sixty-two, (under article thirty-two of said treaty,) two thousand four hundred dollars. Clothing and other articles.

For salary of male and female teachers, and purchase of stationery and books for Senecas, and Senecas and Shawnees, for three months, ending February eighteenth, eighteen hundred and sixty-two, at two thousand dollars per annum, (under article thirty-three of said treaty,) five hundred dollars. Salary of teachers, and stationery and books.

For hire of two smiths and two assistants, for three months, ending February eighteenth, eighteen hundred and sixty-two, at one thousand seven hundred and ten dollars, (under article thirty-six of said treaty,) four hundred and twenty-seven dollars and fifty cents. Hire of smiths and assistants.

For purchase of coal, twelve hundred pounds of iron, and two hundred pounds of steel, for the year eighteen hundred and sixty-two, (under article thirty-six of said treaty,) two hundred dollars. Coal.

For hire of two wagon-makers for Senecas, and Senecas and Shawnees, for three months, ending February eighteenth, eighteen hundred and sixty-two, at one thousand two hundred dollars, (under article thirty-seven of said treaty,) three hundred dollars. Hire of wagon-makers.

For houses, shops, tools and materials, (under article thirty-seven,) one thousand dollars. Houses, shops, tools and materials

For the purchase of guns and ammunition, (under article thirty-nine of said treaty,) to be distributed to the Senecas, and Senecas and Shawnees, one thousand two hundred dollars. Guns and ammunition.

For medicines for the year eighteen hundred and sixty-one, (under article thirty-five of said treaty,) two hundred and fifty dollars. Medicines.



- Reserve Indians.** *Reserve Indians.*—For four hundred and one thousand five hundred rations of provisions—the same being daily rations to two thousand two hundred Indians, at sixteen cents per ration—furnished and to be furnished the Wichita, and other Reserve Indians, by Charles B. Johnson, contractor, from August sixteenth, eighteen hundred and sixty-one, to February fifteenth, eighteen hundred and sixty-two, (under article fourth of treaty made with Reserve Indians, August twelfth, eighteen hundred and sixty-one,) sixty-four thousand two hundred and forty dollars.
- Oxens, wagons, plows, &c.** For the purchase of oxen, wagons, plows, and other implements, (under article fourteen of said treaty,) ten thousand dollars.
- Cows, calves and other stock animals.** For present purchase of cows, calves, and other stock animals, to be distributed from time to time by agent, (under article fourteen of said treaty,) three thousand dollars.
- Hire of smith, assistants and wagon maker.** For hire of smith, assistant and wagon-maker, for three months, ending February eighteenth, eighteen hundred and sixty-two, at seven hundred and ten dollars per annum, (under article sixteen of said treaty,) four hundred and twenty-seven dollars and fifty cents.
- Shops, iron, steel, &c.** For shops for smith and wagon-maker, iron, steel, tools and materials, (under article sixteen of said treaty,) one thousand dollars.
- Medicines.** For purchase of medicines for the year eighteen hundred and sixty-two, (under article sixteen of said treaty,) four hundred dollars.
- Compensation of physician.** For compensation of physician of Reserve Indians, for three months, ending February eighteenth, eighteen hundred and sixty-two, at seven hundred and fifty dollars per annum, (under article sixteen of said treaty,) one hundred and eighty-seven dollars and fifty-cents.
- Pay of farmers.** For pay of ten farmers, for three months, ending February eighteenth, eighteen hundred and sixty-two, at five hundred dollars per annum, each, (under article sixteen of said treaty,) one thousand two hundred and fifty dollars.
- Hire of laborers.** For hire of twenty laborers, for three months, ending February eighteenth, eighteen hundred and sixty-two, at fifteen dollars per month, each, (under article seventeen of said treaty,) nine hundred dollars.
- Subsistence of farmers and laborers.** For subsistence of ten farmers and twenty laborers, for three months, ending February eighteenth, eighteen hundred and sixty-two, (under articles sixteen and seventeen of said treaty,) one thousand dollars.
- Materials, &c., for the erection of houses.** For purchase of materials, &c., for the erection of houses for farmers, interpreters and Indians, (under article seventeen of said treaty,) five hundred dollars.
- Camanche Indians.** *Camanche Indians.*—For three hundred and twenty-one thousand rations of provisions—the same being daily rations to three thousand Indians, at sixteen cents per ration—furnished and to be furnished, the Camanches, by Charles B. Johnson, contractor, from November first, eighteen hundred and sixty-one, to February fifteenth, eighteen hundred and sixty-two, (under article fifteen of treaty made with the Camanches, August twelfth, eighteen hundred sixty-two,) fifty-one thousand three hundred and sixty dollars.
- Oxen, wagons, carts, &c.** For purchase of oxen, wagons, carts, plows, and other implements to be distributed to the Camanches, (under article fifteen of said treaty,) five thousand dollars.
- Cows, calves and other stock animals.** For present purchase of cows, calves, and other stock animals, to be distributed from time to time by the agent, (under article fifteen of said treaty,) twenty-five hundred dollars.
- Hire of smith, striker, &c.** For hire of smith, striker, and wagon-maker, for three months, ending February eighteenth, eighteen hundred and sixty-two, at seventeen hundred and ten dollars per annum, (under article seventeen of said treaty,) four hundred and twenty-seven dollars and fifty cents.

For shops, tools, iron, steel, coal and materials for smith and wagon-maker, (under article seventeen of said treaty,) one thousand dollars. Shops, tools.  
iron, steel, &c.

For purchase of medicines of Camanches for year eighteen hundred and sixty-two, (under article seventeen of said treaty,) four hundred dollars. Medicines.

For compensation of physician for three months, ending February eighteenth, eighteen hundred and sixty-two, at seven hundred and fifty dollars per annum, (under article seventeen of said treaty,) one hundred and eighty-seven dollars and fifty cents. Compensation of  
physician.

For paying individual Seminoles for horses stolen by Camanches, (under article twenty-three and schedule B, of said treaty,) three thousand four hundred and eighty-seven dollars. Seminoles, for  
horses stolen by  
Camanches.

For purchase of materials, &c., for the erection of houses, (under article eighteen of said treaty,) five hundred dollars. Materials, &c.,  
for houses.

SEC. 2. *And be it further enacted*, That the sum of three thousand five hundred dollars be, and the same is hereby, appropriated out of any money in the Treasury, not otherwise appropriated, to provide for the contingencies of office, office rent, &c., of the Superintendency of Indian Affairs, and the contingent expenses, repairs, &c., of the several Indian Agencies, for nine months, ending February eighteenth, eighteen hundred and sixty-two. Contingencies of  
office, &c., of the  
Superintendency  
of Indian Affairs;  
and contingent ex-  
penses, &c., of In-  
dian Agencies.

SEC. 3. *And be it further enacted*, That of the aggregate amount appropriated by this act, the sum of two hundred and sixty-five thousand, nine hundred and twenty-seven dollars and twenty-five cents, being the whole amount of arrearages, annual payments, and interest due the said several Indians and Tribes, and to be due by the thirtieth day of December, of the present year, one thousand eight hundred and sixty-one, may be paid in coin, if the President shall so direct. And the sum of eighty thousand dollars is hereby appropriated for the purchase of coin, if so much be necessary. \$265,927 25 of  
the amount appro-  
priated may be  
paid in coin.

SEC. 4. *And be it further enacted*, That the appropriations hereby made may, at the discretion of the President, be forthwith paid into the hands of the proper officers or agents of the government and transmitted, in order that they may be promptly paid over to the said tribes of Indians, under the said treaties, when the amendments made by this government shall have been ratified as parts of, said several treaties by the respective tribes. Appropriation  
for the purchase of  
coin.

APPROVED December 24, 1861.

CHAP. XXVIII.—*An Act relating to the custody of the returns and certificates of the votes of the Electors for President and Vice-President.* 1861, Dec. 31.

*The Congress of the Confederate States of America do enact*, That the returns of the votes for President and Vice-President by the electors of the several States, shall be delivered, for the time being, to the Vice-President of the Provisional Government of the Confederate States, who shall deliver the same to the President *pro tempore* of the Senate of the Confederate States on the eighteenth day of February, eighteen hundred and sixty-two. Custody of the  
returns, &c., of the  
electoral votes for  
President and Vice  
President.

APPROVED December 31, 1861.

CHAP. XXIX.—*An Act to provide for a corps of Engineers for the Provisional Army.* 1861, Dec. 31.

*The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to appoint officers of engi- Appointment of of-  
ficers of engineers.

Number, rank and pay. needs in the provisional army, to a number not exceeding fifty, and of rank not higher than captain, whose pay and emoluments shall be the same as those allowed for officers of a like grade in the permanent army of the Confederacy, and whose appointments shall expire at the end of the pending war.

APPROVED December 31, 1861.

1861, Dec. 31. CHAP. XXX.—*An Act to amend "An act to authorize the President to confer temporary rank and command for service with volunteer troops, on officers of the Confederate army," approved May twenty-first, eighteen hundred and sixty-one."*

Temporary rank and command on officers of the army on duty in the several bureaus of the Adjutant and Inspector General, Chief of Engineers, and Chief of Ordnance. *Be it enacted by the Congress of the Confederate States of America,* That the above entitled act be so amended that, in addition to the power therein granted, the President of the Confederate States be, and he is hereby, authorized to confer temporary rank and command upon officers of the Confederate army on duty in the several bureaus of the Adjutant and Inspector General, Chief of Engineers and Chief of Ordnance, to cease at the end of the war; the same to be held without prejudice to the positions in said army.

APPROVED December 31, 1861.

1861, Dec. 31. CHAP. XXXI.—*An Act to provide for the payment of certain Indian troops.*

Payment of certain Indian troops. *The Congress of the Confederate States of America do enact,* That the proper quartermaster in the military department of Indian territory be authorized to pay the officers and men of the company of Creek mounted volunteers, raised in the month of August, eighteen hundred and sixty-one, by authority of the commissioner of the Confederate States, for local purposes, at the North Fork village, in the Creek country; and of the Cherokee regiments of Colonels Stand Watie and John Drew, and of the Choctaw and Chickasaw regiment of Colonel Douglas H. Cooper, and of the Creek regiment of Colonel Daniel N. McIntosh, and of the companies of Seminoles raised by the Chief, by authority of the same Commissioner, and of the other troops, called into the service by Colonel Douglas H. Cooper, to aid in suppressing the insurrection of a part of the Creeks, and of any called into service by the Creek Agent for the same purpose, by direction of the Commissioner, for the times during which all of said troops were in the service, after being organized and before being mustered into the service, in the same manner as if they had been mustered in at the respective times when they were organized and received by the Commissioner or either of said officers; which payments shall be made upon special pay rolls for that purpose: *Provided,* That the allowance in lieu of clothing shall be paid only to such of said officers and men as shall have since been or may be mustered into the service, and that none shall be paid who have deserted or disbanded without permission, or have taken sides with the insurrectionists among the Creeks.

Allowance in lieu of clothing.

Accounts of acting commissaries and quartermasters of Indian troops, how settled and paid.

Debts incurred or moneys ad-

SEC. 2. *And be it further enacted,* That the accounts of the acting commissaries and quartermasters of all said troops shall be settled and paid in the same manner as if the troops with or for which they acted had been regularly mustered into the service at the time when they were organized and received; and that the debts incurred or moneys advanced by them, be paid by the brigade quartermaster of the brigade commanded by Brig-



adier General Albert Pike: *Provided further*, That said accounts shall be vanced by them, by also approved by the said Brigadier-General, and that the prices paid by whom to be paid. them be found by him not to have been excessive or exorbitant, and the Proviso. debts to have been contracted in good faith, and the moneys actually advanced.

APPROVED December 31, 1861.

CHAP. XXXII.—*An Act to make additional appropriations to defray the expense of the Public Printing.* 1861, Dec. 31.

*The Congress of the Confederate States of America do enact*, That, Appropriation to in addition to the appropriations heretofore made by law, the following pay for Public sums be, and the same are hereby, appropriated to pay the expense of the Printing up to 18 Feb., 1861. Public Printing up to the eighteenth day of February, Anno Domini eighteen hundred and sixty-two, to-wit: For the War Department, twenty War Department thousand dollars; for the Post-Office Department, sixteen thousand dollars; Post-office Department for the Treasury Department, five hundred dollars; for the Department of State, five hundred dollars; making, in all, the sum of thirty-seven thousand Treasury Department dollars, to be paid out of any money in the treasury not otherwise appropriated. Department of State.

APPROVED December 31, 1861.

CHAP. XXXIII.—*An Act to establish a mail route from Hicks' Ford to Lawrenceville, in Virginia.* 1862, Jan. 2.

*The Congress of the Confederate States of America do enact*, That Post route established from the following additional post route be, and the same is hereby, established, Hicks' Ford to Lawrenceville, in the county of Brunswick, in the State of Virginia. Lawrenceville.

SEC. 2. *And be it further enacted*, That the Postmaster-General be First contract for carrying mail over said route may be made without advertising for bids. hereby authorized to make the first contract for carrying the mail over said route, without the necessity of advertising for bids for said contract, as required by existing law.

SEC. 3. This act shall take effect from and after its passage.

APPROVED January 2, 1862.

CHAP. XXXIV.—*An Act making appropriations for certain floating defences.* 1862, Jan. 9.

*Be it enacted by the Congress of the Confederate States of America*, That the sum of one million of dollars be, and the same is hereby, appropriated for floating defences for the Western rivers. That the sum of one million of dollars be, and the same is hereby, appropriated for floating defences for the Western rivers, to be expended, at the discretion of the President, by the Secretary of War, or Secretary of the Navy, as he shall direct.

APPROVED January 9, 1862.

CHAP. XXXV.—*An Act making certain provisions in regard to Indian trust funds.* 1862, Jan. 10.

*The Congress of the Confederate States of America do enact*, That Moneys, bonds, all sums of money, bonds or securities of any kind, belonging to any Indian &c., belonging to

certain Indian tribes, of which the Government of the C. S. is the custodian, to be deposited in the treasury of the Confederate States, and of which said sums of money, bonds, and other securities, the Government of the Confederate States is, or may hereafter become, the custodian, as the trustee of such tribe or tribes, shall be deposited in the treasury of the Confederate States.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to draw his requisition for each and all sums of money deposited in the treasury, as aforesaid, in favor of said Indians, or any of them, to whom such money may belong, or who may be authorized to receive it.

APPROVED January 10, 1862.

1862, Jan. 11. CHAP. XXXVI.—*An Act appropriating two hundred and twenty-three thousand, six hundred and seven dollars for the naval service.*

Appropriations. *The Congress of the Confederate States of America do enact*, That the sum of one hundred and fifteen thousand, six hundred and seven dollars be, and is hereby, appropriated for the pay of officers of the navy, on and off duty, to the first day of April, eighteen hundred and sixty-two;

Officers of the navy. and that the further sum of one hundred and eight thousand dollars be, and is hereby, appropriated for the pay of warrant and petty officers, seamen, ordinary seamen, soldiers and boys, and engineers department, to the same time, as per estimates of the Secretary of the Navy of the twenty-sixth December, eighteen hundred and sixty-one.

APPROVED January 11, 1862.

1862, Jan. 11. CHAP. XXXVII.—*An Act appropriating fourteen millions eight hundred and fifty thousand dollars for the military service.*

Appropriations. *The Congress of the Confederate States of America do enact*, That the sum of fourteen millions four hundred thousand dollars be, and is hereby, appropriated for the pay of bounty and transportation, or commutation thereof, for one hundred and fifty thousand men under the act providing for re-enlistment of twelve months' men.

SEC. 2. That the sum of four hundred and fifty thousand dollars be, and is hereby, appropriated for expenses under the act for recruiting recently passed 19 Dec., 1861.

For salary of assistant Secretary of War to 1st April, 1862. SEC. 3. That the sum of eight hundred dollars be, and is hereby, appropriated for the salary of the Assistant Secretary of War, to the first day of April, eighteen hundred and sixty-two, as per estimates of the Secretary of War, of the twenty-seventh December, eighteen hundred and sixty-one.

APPROVED January 11, 1862.

1862, Jan. 14. CHAP. XXXVIII.—*An Act to authorize the appointment of two additional clerks and a draftsman in the Navy Department.*

Secretary of the Navy may appoint two additional clerks and one additional clerk, at a salary of fifteen hundred dollars per annum, one

other additional clerk at a salary of twelve hundred dollars, and one draftsman; their salaries. draftsman at a salary of twelve hundred dollars.

APPROVED January 14, 1862.

CHAP. XXXIX.—*An Act supplementary to an act making appropriations for certain floating defences, approved January ninth, eighteen hundred and sixty-two.* 1862, Jan. 14.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby, authorized to raise a corps for the temporary and special service on the Western waters, to cause to be enlisted a number of men not exceeding six thousand, and of such commissioned and non-commissioned officers, and of such rank, either naval or military, as the President may deem necessary, who shall severally receive such pay and allowances as he may determine.

Enlistment of men for temporary and special service on the western waters.  
Number.  
Officers.  
Rank.  
Pay and allowances.

APPROVED January 14, 1862.

CHAP. XL.—*An Act to authorize the Secretary of War to audit and settle the claims of certain officers therein named.* 1862, Jan. 15.

*The Congress of the Confederate States of America do enact, That* the Secretary of War be, and he is hereby, authorized to audit and settle the claims of all assistant quartermasters general, commissaries general and surgeons, who discharged the duties of said offices, from the date of the transfer of the battalions or regiments to which they were attached to the time of the appointment of their successors by the Confederate Government: *Provided*, Said officers held commissions from their respective States and discharged the duties of said offices under said commissions, and no other officers, during the time, were appointed or discharged the duties of the same.

Secretary of War to audit the claims of assistant quartermasters general, commissaries general and surgeons, for a certain period.  
*Provided*, That said officers held commissions from their respective States.

APPROVED January 15, 1862.

CHAP. XLI.—*An Act to make the appointment of Assistant Secretaries of State, of the Treasury and of War, Executive appointments.* 1862, Jan. 16.

*The Congress of the Confederate States of America do enact, That* hereafter the appointment of Assistant Secretary of State, Assistant Secretary of the Treasury, and Assistant Secretary of War, shall be made by the President, by and with the advice and consent of Congress.

The appointment of certain assistant secretaries made by executive appointments.

SEC. 2. All conflicting laws are hereby repealed.

APPROVED January 16, 1862.

CHAP. XLII.—*An Act to authorize the Secretary of the Navy to give a bounty to all persons enlisted as seamen who enlist for three years or for the war.* 1862, Jan. 16.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Navy is hereby authorized to give a bounty of fifty dollars to all persons enlisted as seamen, who shall enlist for three years or for the war. And the provisions of this act shall, in like manner, extend

Bounty to seamen enlisted for three years or for the war.



Seamen already enlisted to all seamen heretofore enlisted who will extend the term of their enlistment to three years or for the war, said bounty to be paid at the time of said enlistment.

APPROVED January 16, 1862.

1862, Jan. 16. CHAP. XLIII.—*An Act supplementary to an act entitled "An act to authorize the appointment of additional officers of the navy," approved December twenty-fourth, eighteen hundred and sixty-one.*

President may appoint officers of the regular navy to any higher grade without prejudice to their position under original appointment.

*The Congress of the Confederate States of America do enact, That the President is authorized to appoint officers of the regular navy, to any higher grade under the act above mentioned, without prejudice to their position under their original appointment.*

APPROVED January 16, 1862.

1862, Jan. 18.

CHAP. XLIV.—*An Act to organize the Territory of Arizona.*

Temporary government for Territory of Arizona established.

*The Congress of the Confederate States of America do enact, That all that part of the present Territory of New Mexico, included within the following limits, to-wit: Beginning on the Colorado river, at the parallel of north latitude thirty-four degrees, thence with said parallel to the eastern boundary of New Mexico; thence south with said boundary until it intersects the line of Texas; and thence with said line to the Rio Grande, and so on to the line of Mexico, on said river, as fixed by the treaty of eighteen hundred and fifty-four; thence with the boundary line established by said treaty between the late United States and Mexico to the Colorado river, thence up the Colorado to the place of beginning, be, and the same is hereby, created into a temporary government, by the name of the Territory of Arizona; and nothing in this act shall be so construed as to inhibit the Government of the Confederate States from dividing said Territory into two or more territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the Confederate States; and the institution of slavery in said Territory shall receive all necessary protection, both from the Territorial Legislature and the Congress of the Confederate States: *Provided, also, That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Pimos and Maricopas Indians on the Gila river, or the right or claim of the Confederate States to the remainder of the Territory of New Mexico, or to any other territory north of the line of thirty-four degrees north latitude.**

Power to divide said Territory reserved.

Institution of slavery in the Territory to receive necessary protection.

Proviso as to Indians in said Territory.

The executive power to be vested in a Governor; his tenure of office, powers, duties and emoluments.

SEC. 2. *And be it further enacted, That the Executive power and authority in and over said Territory of Arizona, shall be vested in a Governor, who shall hold his office for six years, and until his successor shall be duly appointed and qualified, unless sooner removed by the President of the Confederate States. The Governor shall reside within said Territory, at the seat of government, and shall be commander-in-chief of the militia thereof; he may grant pardons and respites for offences against the laws of said Territory, and reprieves for offences against the laws of the Confederate States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to*

office under the laws of said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a Secretary of said Territory, who shall reside therein, and hold his office for six years, unless sooner removed by the President of the Confederate States; he shall record and preserve all the laws and proceedings of the Legislature hereinafter constituted, and all the acts and proceedings of the Governor in his Executive Department; he shall transmit one copy of the laws and journals of the Legislature within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July, in each year, to the President of the Confederate States, and four copies of the laws to the Vice-President, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the Governor from the Territory, the Secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed to fill such vacancy.

Secretary; his powers and duties.

In case of death, resignation, or removal of Governor, the Secretary to act as Governor.

SEC. 4. *And be it further enacted*, That the Legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislature shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualification of voters, as hereinafter prescribed, whose term of office shall continue two years. The House of Representatives shall, at its first session, consist of thirteen members, possessing the same qualifications as prescribed for members of the Council, and whose term of office shall continue one year. The number of Representatives may be increased by the Legislature, from time to time, in proportion to the increase of the qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties for which they may be elected respectively. The said apportionment shall be based upon the census report of New Mexico for the year 1860, made by the late United States.

Legislative power; in whom vested.

Legislative Assembly to consist of a Council and House of Representatives; how composed.

Proviso.

Apportionment for the election of members of Legislative Council.

Members of the Council and House of Representatives; where to reside.

Basis of apportionment.

SEC. 5. *And be it further enacted*, That the Governor shall regulate the first election which shall be held for members of the Council and House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, both as to persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct, and he shall, at the same time, declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of the election districts for members of the Council, shall be declared by him to be duly elected to the Council, and the persons having the highest number of legal votes for the House of Representatives, shall be declared by him to be duly elected members of said House; and the Governor, thereupon, shall give to the respective members of the Council and the House, so declared, certificates of election, under his official signature. In any case, where it shall be declared, in the first election, that the people have failed to elect, another election shall be ordered, and if any vacancy occurs during the session of the first Legislature, another election shall likewise be ordered by the Governor, under the same rules, to fill such vacancy; but the first Legislature shall

Governor to regulate first election for members of Council and House of Representatives.

Time, place and manner of holding elections.

Certificate of election.

Another election ordered where there is a failure to elect, or to fill a vacancy.

provide, by law, for all failures to elect, or vacancies which may occur thereafter. And it is hereby provided that no session shall exceed fifty days except the first session, which may continue seventy days. And it is further provided, that all legislative proceedings shall be conducted in the English language.

Term of sessions limited.

Proceedings to be in the English language.

Qualifications of voters.

No person belonging to the army or navy to vote in said Territory, not being a citizen thereof.

Extent of legislative power.

Power of the Council and House of Representatives, and the Governor in enacting laws, and proceedings therein.

Governor not to exercise veto in certain cases.

Congress may change or annul laws passed by the Legislative Assembly.

And may pass any laws for the people of said Territory.

Appointment of Territorial and county officers.

Governor to lay off election districts.

Proviso.

Restriction on members of Legis-

SEC. 6. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed shall be entitled to a vote at the first election, and shall be eligible to any office in the said Territory; but the qualifications of voters and of holding office shall be exercised only by citizens of the Confederate States: *And provided further*, That no officer, soldier, seaman or marine, or other person in the army or navy of the Confederate States, or attached to troops in the service of the Confederate States, not being a citizen of said Territory, shall be allowed to vote or hold office in said Territory.

SEC. 7. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the Confederate States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the Confederate States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory, shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such consideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be considered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within six days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent its return, in which case it shall not be a law: *Provided always*, That the Governor shall not exercise the veto in cases hereinafter expressly reserved or denied by this act: *Provided further*, That the Congress of the Confederate States may, at any time, change, modify, or annul any law that may be passed by the Legislative Assembly, but no change or annulling of the same shall affect or disturb any rights acquired previous to the making of such change or alteration. *And provided further*, That said Congress may, at any time during the existence of said Territorial Government, originate and pass for the people of said Territory any law which Congress may deem expedient or necessary and proper.

SEC. 8. *And be it further enacted* That all territorial and county officers not herein otherwise provided for, shall be appointed by the Governor, and they shall hold their offices until they are filled by persons appointed or elected conformably to such law as the Legislature shall enact in relation thereto. The Governor shall lay off, for the first election, the election districts for the members of the council and House of Representatives, where deemed necessary: *Provided, always*, That after the first session, the Legislature shall exercise the sole power of laying off all election districts.

SEC. 9. *And be it further enacted*, That no member of the Legislature shall hold or be appointed to any office which shall have been created, or



the salary or emoluments of which shall have been increased while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislature; and no person holding a commission or appointment in the military service of the Confederate States shall be a member of the Legislature, or hold any civil office under the government of said Territory.

Sec. 10. *And be it further enacted*, That the Judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually. They shall appoint a clerk, who shall hold his office during their pleasure, and who shall receive such fees in all cases in said court, as the clerk of the supreme court of the Territory of New Mexico is now entitled to by law; and they shall hold their offices during the period of six years, and until their successors are duly appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court at such times and place as may be prescribed by law; and the said judges shall, after their appointments, respectively reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and justices of the peace shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy, when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall hold his office at the pleasure of the court for which he shall have been appointed, and who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals shall be allowed in all cases from the final decision of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. Writs of error and appeals from the final decision of said supreme court shall be allowed, and may be taken to the supreme court of the Confederate States in the same manner and under the same regulations as from district courts of the Confederate States, when the value of the property or the amount in controversy to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed one thousand dollars; except only that in all cases involving title to slaves the said writs of error or appeals shall be allowed and decided by the said supreme court without regard to the value of the matter, property or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the supreme court of the Confederate States from the decision of said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus involving the question of personal freedom; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the Confederate States as is vested in the circuit and district courts of the Confederate States; and the said supreme and district courts of said Territory and the respective judges thereof shall and may grant writs of *habeas corpus* in all cases in which the same are granted by the judges of the supreme court of the Confederate States; and the first six days of every term of said

laive Assembly as to appointments to office.

Judicial power, viz:

Supreme court.

May appoint its clerk.

Term of office of judges of supreme court.

District courts.

Justices of the peace.

Courts possess chancery as well as common law jurisdiction.

Each district court to appoint its clerk.

Writs of error, &c., to be allowed from decisions of district courts to supreme court.

Writs of error, &c., from decisions of supreme court to supreme court of the Confederate States.

Provision respecting cases involving title to slaves,

And the question of personal freedom.

Extent of jurisdiction of district courts.

Writs of *habeas corpus*.

Days appropriate.

'ed to the trial of courts shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases certain causes.

Fees of clerk of district court. shall be made to the supreme court of said Territory the same as in other cases. The said clerk shall receive in all cases the same fees which the

Proceedings of all courts to be in English language. receive for similar services, until otherwise prescribed by law. The proceedings in all courts in said Territory shall be conducted in the English

By whom probate judges and justices of the peace to be appointed. language. All probate judges in the said Territory shall be appointed by the Governor, and all justices of the peace therein shall be appointed by the justices of the supreme court.

Attorney: SEC. 11. *And be it further enacted,* That there shall be appointed an attorney for said Territory who shall continue in office for six years, unless His fees and salary. sooner removed by the President, who shall receive an annual salary of five hundred dollars, payable quarterly, and the same fees as the attorney

Marshal: His duties, &c. general of the present Territory of New Mexico. There shall also be a marshal for the Territory appointed, who shall hold his office for six years, unless sooner removed by the President, who shall execute all process

Compensation. issuing from the said courts when exercising their jurisdiction as district and circuit courts of the Confederate States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal for the present Territory of New Mexico, and shall, in addition, be paid two hundred dollars annually, as a compensation for extra services.

Governor, Secretary, chief and associate justices, attorney and marshal, shall be nominated, and, by and with the advice and consent of Congress or the Senate, appointed by the President of the Confederate States. The Governor and Secretary to be appointed as aforesaid shall, before they act as

Each to take of social oaths, &c. such, respectively, take an oath or affirmation before a district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations, or before the chief justice or some associate justice of the supreme court of the Confederate States, to support

SEC. 12. *And be it further enacted,* That the Governor, Secretary, chief justice and associate justices, attorney and marshal, shall be nominated, and, by and with the advice and consent of Congress or the Senate, appointed by the President of the Confederate States. The Governor and Secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation before a district judge or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations, or before the chief justice or some associate justice of the supreme court of the Confederate States, to support the constitution of the Confederate States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken, and such certificates shall be received and recorded by the said Secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or Secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the Secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of fifteen hundred dollars as Governor, and five hundred dollars as commissioner of Indian affairs. The salary of the Secretary of the Territory shall be the sum of twelve hundred dollars per annum, payable quarterly. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. All salaries shall be paid quarterly at the Treasury of the Confederate States. The members of the Legislative Assembly shall be entitled to receive four dollars each per day during their attendance at the sessions thereof, and four dollars each for every twenty miles travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the Governor, to defray the contingent expenses of the Territory; there

Salary of Governor.

Salary of Secretary.

Salary of chief and associate justices.

Salaries paid quarterly.

Compensation of members of Legislative Assembly.

Provision for contingent expenses.



shall also be appropriated annually a sufficient sum to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the Confederate States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses; and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the Confederate States for the manner in which the aforesaid sum shall have been expended.

SEC. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Arizona shall hold its sessions at La Mesilla, which is hereby designated as the seat of government of the said Territory, until otherwise provided by law.

Where Legislative Assembly to hold its sessions. Seat of government.

SEC. 14. *And be it further enacted*, That a Delegate to the Congress of the Confederate States to serve during each Congress, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to such rights and privileges as may be provided by the constitution and laws of the Confederate States. The first election shall be held at such time and places, and be conducted in such manner as the Governor shall appoint and direct; and at all subsequent elections, the time and places, and manner of holding elections shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly; and such delegate shall receive mileage at the rate of ten cents per mile, and eight dollars for each day's attendance at the session of Congress.

Delegate to House of Representatives of the Confederate States to be elected.

Time of electing said delegate, &c.

His mileage and pay.

SEC. 15. *And be it further enacted* That temporarily, and until otherwise provided by law, the Governor of said Territory may define the Judicial districts of said Territory, and assign the judges who may be appointed for said Territory, to the several districts, and also appoint the times and places of holding courts in the several counties or sub-divisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly at their first or any subsequent session may alter, modify or organize such judicial districts, and assign the judges, and alter the times and places of holding the courts as to them shall seem proper and convenient.

Governor may define the judicial districts, and assign the judges to them, &c.; but the Legislative Assembly may alter, modify or organize such judicial districts, &c.

SEC. 16. *And be it further enacted*, That the constitution and all laws of the Confederate States which are not locally inapplicable, shall have the same force and effect within the Territory of Arizona as elsewhere within the Confederate States.

Constitution and laws of the C. S. extended over said Territory.

SEC. 17. *And be it further enacted*, That the provisions of this act be, and are hereby suspended until the President of the Confederate States shall issue his proclamation, declaring this act to be in full force and operation, and shall proceed to appoint the officers herein provided to be appointed in and for said Territory.

Provisions of this act suspended till President shall issue his proclamation and appoint the officers.

APPROVED January 18, 1862.

CHAP. XLV.—An Act to provide for raising and organizing, in the State of Missouri, additional troops for the provisional army of the Confederate States.

1862, Jan. 22.

*The Congress of the Confederate States of America do enact*, That the President be, and he is hereby, authorized to nominate, and by and with the advice and consent of Congress, to appoint and commission in the provisional army of the Confederate States, one major general and such brigadier generals to the command of troops, now and hereafter to be raised and organized for the provisional army in the State of Missouri, as he may think proper.

President authorized to appoint major general and brigadier generals to the command of troops in Missouri.



Pay.

Staff.

The officers appointed to be assigned to the duty of raising, &c., the forces in said State.

Commencement of act.

SEC. 2. All officers appointed under the provisions of this act shall be entitled to receive pay from the date of their respective appointments, and shall be allowed the usual staff appropriate to their rank; and shall be assigned to the duty of raising and organizing Confederate forces in said State, with the view of putting them and their respective commands in the field at the earliest practicable period.

SEC. 3. This act to take effect from and after its passage.

The foregoing act, presented to the President on the 9th of January, 1862, was not approved by him, nor returned to the Congress within ten days (Sundays excepted), after being presented to him; it therefore became a law on the 22d January, 1862.

Jan. 22, 1862.

CHAP. XLVI.—An Act to amend an act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, and for other purposes.

Volunteers under the act of March 8, 1861, may be accepted singly as well as in companies, &c.

Field and company officers, how chosen and appointed.

1861, Dec. 11.

Vacancies filled by promotion according to grade and seniority.

1861, May 8.

1861, Dec. 11.

Rule of promotion may be departed from in favor of any person specially distinguished.

Vacancies in certain companies may be filled by volunteers.

Officers and privates may be detailed to recruit for companies.

Recruits to be mustered at the time of enrolment.

Transportation and subsistence.

Bounty.

President may appoint and commission persons as field officers or captains to raise regiments, squadrons, &c.

Their pay.

*The Congress of the Confederate States of America do enact, That* volunteers offering their service under an act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, may be accepted by the President singly as well as in companies, squadrons, battalions or regiments.

SEC. 2. In all appointments of officers raised under this act, the field and company officers shall be chosen and appointed in the manner prescribed by the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army," approved December eleventh, eighteen hundred and sixty-one; and all vacancies occurring in the said offices after the first election made under this act, as well as under the act entitled "An act to raise an additional military force to serve during the war," approved May eighth, eighteen hundred and sixty-one, shall be filled by promotion, according to grade and seniority, as provided in the said act of eleventh December, eighteen hundred and sixty-one, except in case of disability or other incompetency: *Provided, however,* That the President be authorized to depart from the prescribed rule of promotion in favor of any person specially distinguished by his commanding general for extraordinary merit or some signal act of military skill or gallantry.

SEC. 3. Any vacancies occurring in the ranks of companies mustered into the Confederate service for three years or for the war, may be filled by volunteers; and the commander of each of said squadrons, battalions or regiments, organized as aforesaid, may detail one commissioned officer and one non-commissioned officer, and one or more privates, from each company of his command, with the approval of the brigadier general of the brigade to which said squadron, battalion or regiment may be attached, to recruit men for said company; so that the same may contain not more than one hundred and twenty-five, rank and file; and the men so recruited shall be mustered at the time of enrolment and shall be entitled to transportation and subsistence, or commutation of subsistence, till they join their respective companies, and to fifty dollars bounty, to be paid at the time of joining the same.

SEC. 4. The President be, and he is hereby, authorized to appoint and commission persons as field officers or captains to raise regiments, squadrons, battalions or companies, and the individuals comprising the same shall be mustered at the time of enrolment, and be entitled to pay, transportation and subsistence, from the date of the organization of companies; but the officers so appointed by the President shall not be enti-

tled to any pay or allowance until their respective commands be fully organized and reported to the Secretary of War; and said appointments shall expire if the officer appointed shall not, within a reasonable time, not to exceed two months for a company and four months for for a battalion, squadron or regiment, report the corps authorized to be raised by him, organized and ready for duty: *Provided, nevertheless,* That every officer so commissioned for such purpose, shall receive an appointment proportioned to the force he recruits: *And provided, furthermore,* That no enlistments under the commission of captains shall be obligatory, unless the number be sufficient to constitute a company.

When said appointments shall expire.

Officer to receive an appointment proportioned to the force he recruits.

When enlistments under the commission of captains not obligatory.

APPROVED January 22, 1862.

CHAP. XLVII.—*An Act to authorize the appointment of officers of artillery in the provisional army and in the volunteer corps.* January 22, 1862.

*The Congress of the Confederate States of America do enact,* That the President be, and he is hereby, authorized to appoint, by and with the advis[er] and consent of Congress, in the provisional army, and in the volunteer corps, officers of artillery, above the rank of captain, without reference to the number of batteries under the actual command of the officers so appointed, not to exceed in number, however, one Brigadier General for every eighty guns, one Colonel for every forty guns, one Lieutenant Colonel for every twenty-four guns, and one Major for every sixteen guns.

President may appoint officers of artillery above the rank of Captain, in the provisional army, and in the volunteer corps.

APPROVED January 22, 1862.

CHAP. XLVIII.—*An Act to amend an act, entitled "An act to collect, for distribution, the money remaining in the several post-offices of the Confederate States, at the time the postal service was taken in charge by said government," approved August thirtieth, eighteen hundred and sixty-one.* January 23, 1862.  
1861, Aug. 30.

*The Congress of the Confederate States of America do enact,* That the time limited in said acts, for presenting claims for postal service, be extended to the first day of July, eighteen hundred and sixty-two.

Time for presenting claims for postal service extended.

SEC. 2. *Be it further enacted,* That the Postmaster General be, and he is hereby, authorized to collect, either by draft or collection orders, all balances remaining in the hands of postmasters within the Confederate States, and which they had not paid over at the time the Confederate States took charge of the postal service. And the Postmaster General is hereby authorized to pay over the amounts so collected to any person having claims for postal service rendered since the first day of June, eighteen hundred and sixty-one: *Provided,* That an accurate account shall be kept in the office of the auditor of the treasury, for the Post-Office Department, of all sums collected under this act, which accounts shall show the amount of money collected, the person from whom collected, and the person to whom paid.

Postmaster General to collect and pay over certain balances remaining in the hands of postmasters.

Account thereof to be kept.

SEC. 3. *Be it further enacted,* That whatever sum the Postmaster General may collect and pay over, under this act, for postal service rendered since the first day of June, eighteen hundred and sixty-one, shall be reimbursed out of any money in the treasury to the credit of

Reimbursement out of the treasury for the amount paid over.

How the sum the Post-Office Department; and the sum so reimbursed shall be held as a reimbursed to be separate and distinct fund, subject to distribution under the act to which disposed of. this is an amendment.

APPROVED January 23, 1862.

January 23, 1862. CHAP. XLIX.--*An Act to amend an act entitled "An act to establish a Patent Office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements and designs," approved on the twenty-first day of May, one thousand eight hundred and sixty one.*

The 49th § of *The Congress of the Confederate States of America do enact, That* the act of May 21, 1861, repealed. section forty-nine of the above recited act be, and the same is hereby, repealed.

United States SEC. 2. *And be it further enacted, That every United States patent* patents continued that was granted and issued to any person, now a citizen of the Confed- in force. erate States, or who shall hereafter become so by the accession of new States or Territories, may be revived and continued in full force and effect for the time for which they were originally issued yet unexpired : *Provided, Such patents are recorded and a copy of the drawing annexed thereto (if there be a drawing, and if not, a specimen of the compound or other subject matter, as the case may be) and a model also, if the commissioner shall deem it necessary, in the patent office of the Confederate States, within six months after the close of the present war with the United States; otherwise such patents shall remain null and void; and all persons claiming the benefit of this section shall pay to the commissioner of patents, for the use of the patent fund, the sum of ten dollars, and a recording fee, at the rate of ten cents for every hundred words in such patent. That nothing contained in this act, or that to which it is an amendment, shall be construed to recognize any renewal or extension of any patent granted by the United States heretofore* Proviso. made. *Provided, however, That the said patentee shall maintain no suit for a violation of his patent, which violation occurred before the filing of a caveat and the deposit of fees required for the revival of said patent in the patent office.* Further proviso.

Assignments of SEC. 3. *And be it further enacted, That every instrument of writing* such patents re- conveying any interest, whether it be the whole, a part, or to a specified vived. portion of territory, in and to a United States patent, to any person now a citizen of the Confederate States, or who shall hereafter become so by the accession of new States or Territories, and which was executed in good faith, prior to the seventeenth day of April, one thousand eight hundred and sixty-one, shall be revived and continued in full force and effect for the term for which the patent, in which an interest is thus held by a citizen of the Confederate States, was originally issued, yet unexpired : *Provided, Such instrument of writing shall be recorded in the patent office of the Confederate States, within six months after the close of the present war with the United States, and the owner thereof shall deposit in the said office a descriptive drawing of such character as the commissioner shall direct, which shall represent the invention or subject matter of the patent to which such instrument of writing relates, or if the invention be a composition of matter, then, in that case, a specimen of the compound, with a written description of the method of making and using it, and all persons claiming the benefit of this section shall pay to the commissioner of patents, for the use of the patent fund, the* Record of as- signment, deposit of drawing, &c.



sum of ten dollars, and a recording fee, at the rate of ten cents for every hundred words in such instrument of writing: *Provided, however,* That the commissioner of patents shall not admit to record any such instrument, nor shall the same be deemed valid, which has not been recorded in the United States patent office, pursuant to the provisions of the eleventh section of the act of Congress of the fourth day of July, one thousand eight hundred and thirty-six, unless the assignee or owner of such instrument, or his legal representative, shall make oath that it was actually, and in good faith, executed on the day of its date.

Proviso.

SEC. 4. *And be it further enacted,* That it shall be the duty of the commissioner to endorse on each patent and instrument of writing, assigning interests in the United States patents as aforesaid, filed for record under the foregoing sections, the date of such filing, and also a certificate under the seal of his office that said patent, or instrument of writing, has been recorded, which certificate shall be evidence of the fact in any court of justice of the Confederate States, and of the right of the owner thereof to use and enjoy the same, and such patents and instruments of *of* writing, after they are recorded and certified, shall be returned to the owners thereof.

Endorsement on patents and assignments.

SEC. 5. *And be it further enacted,* That if any such patent, or deed of assignment, as is herein provided for be lost, or cannot be procured from the patent office of the United States the person entitled to the same, in whole or in part, or his legal representative, may file for record, with the commissioner, an affidavit made before any justice of the peace, notary public, or commissioner of any of the courts of the Confederate States, setting forth a description of the patent, the date of the issuance, as nearly as possible, and the subject-matter of the patent and the claim, and if there be an assignment the particulars of the same, which affidavit shall be accompanied by such models, or descriptive drawings, as may be necessary to a proper understanding of the invention, discovery, or design secured by said patent. And said affidavit, when recorded and certified as aforesaid, shall have the same force and effect as the recording of the original patent or deed of assignment as hereinbefore provided: *Provided,* That the fact of the granting and issuance of any such patent or deed of assignment, so alleged to be lost may be controverted either at law or in equity by any party interested: *And provided further,* That any person desirous of availing himself of the benefits of this act shall give notice of his intention by publication in the newspaper at the seat of government of the Confederacy, authorized by law to publish the laws of Congress, which notice shall be published weekly for four weeks from the day of application, and shall specify the subject-matter of the patent and the purpose for which the application is to be made, a copy of which shall be filed in the patent office; and for the recording of the affidavit provided for in this section, the commissioner shall be authorized to charge ten cents for every hundred words therein contained.

A affidavit required where patent or assignment is lost or cannot be procured from the U. S. patent office.

Its effects.

Proviso.

Notice by applicant.

Commissioner's fee for recording affidavit.

SEC. 6. *And be it further enacted,* That no citizen of the Confederate States, nor alien, unless he be a citizen of the United States, shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the twenty-first day of May, one thousand eight hundred and sixty-one, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application: *Provided,* That the same shall not have been introduced into public and common use in the Confederate States prior to the application for such patent: *And provided, also,* That in all cases every such patent shall be limited to the term of fourteen years from the date or publication of such foreign patent.

Taking out patent in foreign country not to debar citizens or aliens.

Proviso.

Limitation of term.

Commencement  
of act.

SEC. 7. *And be it further enacted*, That this act shall take effect and be in force from and after its passage.

APPROVED January 23, 1862.

January 23, 1862. CHAP. L.—*An Act to authorize the President to call upon the several States for troops to serve for three years or during the war.*

First § of the act  
of March 6, 1861,  
modified.

President au-  
thorized to call  
upon the several  
States for troops.

Number of troops  
from each State.

Equalizing of  
the troops accord-  
ing to white popu-  
lation.

*The Congress of the Confederate States of America do enact*, That the first section of the act of March sixth, eighteen hundred and sixty-one, be, and is hereby, so modified as to authorize the President to call upon the several States, in his discretion, for any number of troops, not exceeding, in the aggregate, the number heretofore authorized, to serve for the term of three years or during the war.

SEC. 2. In making such requisitions, the President shall take into consideration the number of troops from each State already enlisted for the war at the time of the requisition, and shall, as far as practicable, equalize the same amongst the States according to their respective white populations.

APPROVED, January 23, 1862.

Jan. 23, 1862.

CHAP. LI.—*An Act to increase the clerical force of the Post-Office Department.*

Permanent cler-  
ical force of the  
Post-Office Depart-  
ment increased.

Salaries of the  
additional clerks.

Appointment of  
additional clerks in  
the office of the  
Auditor of the  
Treasury for the  
said Department.

Clerk to sign  
Auditor's name so  
as to frank mail  
matter.

Penalty for vio-  
lating the franking  
privilege.

Appointment of  
additional messen-  
ger and laborers  
for the said De-  
partment.

Compensation.

*The Congress of the Confederate States of America do enact*, That there shall be added to the permanent clerical force of the Post-Office Department five clerks, each of whom shall receive a salary of twelve hundred dollars per year, and five clerks, at a salary of one thousand dollars each per year.

SEC. 2. That fifteen additional clerks may be appointed, in the office of the Auditor of the Treasury, for the Post-Office Department, five of whom shall receive a salary of twelve hundred dollars each per year, and ten shall receive a salary of one thousand dollars per annum each; and it may be lawful for the Auditor of the Treasury for the Post-Office Department to appoint one of the clerks in said office to sign said Auditor's name, so as to frank mail matter authorized by law to be franked by said Auditor; and said clerk shall be subject to all the pains and penalties for violating the franking privilege now provided by law with respect to other officers entitled to such privilege.

SEC. 3. *Be it further enacted*. That the Postmaster General be, and he is hereby, authorized to appoint one additional messenger for the Post-Office Department, at a compensation not exceeding five hundred dollars per annum, and two additional laborers, at a compensation not exceeding one dollar and a half per day.

APPROVED January 23, 1862.

Jan. 27, 1862.

CHAP. LII.—*An Act to appropriate eight hundred and fifty thousand dollars to pay for ordnance, ordnance stores and equipments.*

Appropriation to  
pay for ordnance,  
ordnance stores  
and equipments.

*The Congress of the Confederate States of America do enact*, That the sum of eight hundred and fifty thousand dollars be, and is hereby, appropriated for the payment of ordnance, ordnance stores and equip-

ments, including outstanding bills, and to meet expenditures to the and for defences of first of April next, for the defences of the Mississippi river; to be the Mississippi expended under the direction of the Navy Department, according to the river. estimate of the Secretary of the Navy of the twelfth December, eighteen hundred and sixty-one.

APPROVED January 27, 1862.

CHAP. LIII.—*An Act to establish an assay office at New Orleans.*

Jan. 27, 1862.

*The Congress of the Confederate States of America do enact, That* Appointment of the President is authorized to appoint an assayer at New Orleans, whose assayer at New Orleans. His duty. duty it shall be to assay and certify the fineness and value of such gold and silver as may be submitted to him to be assayed.

SEC. 2. The said assayer shall execute a bond to the Confederate States, with sufficient sureties, in such sum as shall be approved by the Secretary of the Treasury, to discharge the duties of his office, and shall take oath faithfully to discharge the same, and to support the constitution of the Confederate States; whereupon the Secretary of the Treasury shall place in his charge and subject to his use, so much of the mint edifice at New Orleans, and of the tools and implements therein, as the said Secretary shall deem proper for the said office; subject, however, to be returned whenever it may be deemed expedient for the general purposes of the mint.

SEC. 3. The whole expense of the assaying establishment shall be defrayed by the assayer; and in order to defray the same and to receive a reasonable compensation for his services, he shall be entitled to retain from all metals or ores submitted to him for assay, such seignorage or charge as will enable him to receive an annual salary not exceeding three thousand dollars.

SEC. 4. It shall be the duty of such assayer to keep in good order the rooms or buildings, tools and other property, and to restore the same to the Confederate States in like condition; he shall hold his office for two years, and may employ under him, at such rates as he may agree upon, such workmen and inferior officers as he may see fit.

SEC. 5. The said assayer shall, from time to time, as he may be required by the Secretary of the Treasury, make an accurate report of all proceedings at his office in such form as may be required by the said Secretary; and he and his officers and subordinates shall, at all times, be subject to such orders and regulations as said Secretary may, from time to time, make or direct.

APPROVED January 27, 1862.

CHAP. LIV.—*An Act to authorize the change of the names of vessels in certain cases.*

Jan. 27, 1862.

*The Congress of the Confederate States of America do enact, That* Change of names of vessels. it shall be lawful for the purchaser of any vessel, sold under a decree of court as prize of war, to alter the name thereof, and to bestow on the same such name as he may deem proper; which change of name shall be duly certified, on the papers and titles of such vessel, by the collector of the port where such sale was made.

APPROVED January 27, 1862.



Jan. 27, 1862. CHAP. LV.—An Act to provide for recruiting companies now in the service of the Confederate States for twelve months.

Recruiting of companies of volunteers now in the service for twelve months. *The Congress of the Confederate States of America do enact, That* all companies of volunteers, now in the service of the Confederate States under enlistment for the term of twelve months, may be recruited by enlisting, or receiving volunteers for three years or the war, to a number not to exceed one hundred and twenty-five, rank and file, and companies

Companies recruited may elect their commissioned officers. so recruited shall, at the expiration of the term of service of the original company elect their commissioned officers; and vacancies thereafter occurring in the commissioned offices of such companies, shall be filled by promotion of said commissioned officers, except that vacancies in the lowest grade of such offices, shall be filled by election.

Vacancies, how filled. SEC. 2. The colonel or commanding officer of the several regiments, battalions and squadrons enlisted for twelve months as aforesaid, may detail one commissioned officer and not exceeding two privates of each company, to recruit for their respective companies, and the officers and privates so detailed, shall be entitled to transportation while so engaged, and the recruits so enlisted shall be entitled to pay, transportation and

Officers and privates may be detailed to recruit for companies. Entitled to transportation. subsistence from the time and place of enlistment, together with the sum of fifty dollars, as a bounty, upon joining their respective companies.

Pay and bounty of enlisted recruits. SEC. 3. The original volunteers, in such companies, re-enlisting, according to the terms of the act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army, may re-enlist in, and form a part of the companies to be recruited as herein provided; and when all the companies composing the regiment, battalion, or squadron as aforesaid, shall by recruiting as aforesaid, or by re-enlistment and recruiting, as aforesaid, have attained at the date of the expiration of the term of service of the original companies, the number required by law for a company, the number and designation of such regiment, battalion, or squadron, may continue, or such of said companies as are complete at that date, may reorganize into new regiments, battalions, or squadrons, or attach themselves to other regiments, battalions or squadrons; and in all such cases the field officers shall be elected, and vacancies thereafter occurring in such field offices shall be filled by promotion, as directed by the act aforesaid.

Original volunteers may re-enlist in the companies to be recruited. SEC. 4. Companies organized by re-enlisted twelve months volunteers, under the act aforesaid, may be recruited to the number of one hundred and twenty-five, in the manner prescribed in the second section of this act.

To what number companies may be recruited. SEC. 5. Where, at the date of the expiration of the term of service of the original company, the number of recruits and enlisted men may not amount to the minimum number required for a company, the recruited men may combine with recruits of other companies in like situation, so as to form complete companies; and in default of such combinations, the said recruits may be assigned or distributed to other companies, from the State in which such recruits were enlisted.

When the recruited men of one company may combine with the recruits of other companies so as to form complete companies. SEC. 6. The Secretary of War shall make all needful rules, to carry into effect the foregoing provisions.

When recruits may be assigned to other companies. Rules to carry this act into effect.

APPROVED January 27, 1862.

Jan. 27, 1863. CHAP. LVI —An Act for the relief of the State of Missouri.

Advancement of \$1,000,000 in Treas- *The Congress of the Confederate States of America do enact, That* the Secretary of the Treasury is hereby directed to issue to the State of

Missouri, upon the application of the fund commissioners for said State, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the Legislature of said State, entitled "An act to provide for the defence of said State, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted as Congress may direct.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

SEC. 3. The sum hereby appropriated shall be applied by the State of Missouri to the payment of troops in the service of the said State prior to their muster into the Confederate service.

APPROVED January 27, 1862.

CHAP. LVII.—*An Act to amend an act supplemental to an act to establish the judicial courts of the Confederate States of America, approved May twenty-first, eighteen hundred and sixty-one.* Jan. 29, 1862.

The Congress of the Confederate States of America do enact, That the first section of the above entitled act be, and the same is hereby, repealed; and to the end that the causes mentioned in said first section of the act to which this act is an amendment, may be brought to trial without unnecessary expense and delay, it shall be lawful for the judges of the several district courts to interchange with each other temporarily, and the judge, whose interest in, or connection with, the causes aforesaid, pending in the district court in which he presides, renders him incompetent to try such causes, shall request such interchange with the judge of an adjoining district, and the judge so requested shall, without delay, enter upon such interchange; and the acts and decisions of judges so presiding by interchange with each other shall be as valid as if done and performed in the districts for which they were severally appointed.

SEC. 2. The judges so presiding by interchange, as aforesaid, shall cause it to be entered on the records of the courts in which they so preside, that such interchange has been made according to this act.

APPROVED January 29, 1862.

CHAP. LXVIII.—*An Act to amend an act entitled "An act to provide for the public defence," approved March sixth, eighteen hundred and sixty-one.* January 29, 1862.

The Congress of the Confederate States of America do enact, That the act entitled "An act to provide for the public defence," approved sixth March, eighteen hundred and sixty-one, be, and the same is hereby, so amended that the provisions of the second section of said act, limiting the term for which the militia may be called into service, to a period not exceeding six months, shall not apply to men drafted into service by the several States, and furnished by said States to the President, for service for three years or during the war, in response to requisitions made upon said States according to law.

APPROVED January 29, 1862.

January 29, 1862.

CHAP. LIX.—*An Act to aid the State of Kentucky, and for other purposes.*

Appropriation for raising and organizing troops in Kentucky and supplying same with clothing, &c.

*The Congress of the Confederate States of America do enact, That the Secretary of the Treasury is hereby directed to issue to the State of Kentucky, upon the application of the Governor and Council of the Provisional Government of said State, the sum of two millions of dollars in Treasury notes, to be expended by said Governor and Council in raising and organizing, for the Confederate service, troops in said State, supplying the same with clothing, subsistence, transportation, arms and ammunition.*

Governor to make estimates before making requisitions upon the treasury.

SEC. 2. The sum appropriated by the first section of this act is to be drawn from the Treasury of the Confederate States, by the Governor of Kentucky, with the approval of the President of the Confederate States, from time to time, and in such sums as the Governor of Kentucky may need to carry out the objects of this appropriation, the Governor filing, before making his requisitions upon the Treasury, with the Secretary of War, estimates showing the purposes and objects to which said sums of money are to be applied.

APPROVED January 29, 1862

January 30, 1862.

CHAP. LX.—*An Act to transfer funds from the Quartermaster's to the Ordnance Department.*

Transfer of funds from the Quartermaster's to the Ordnance Department.

*The Congress of the Confederate States of America do enact, That three millions of dollars of the sum heretofore appropriated to the service of the Quartermaster's Department and yet unemployed be, and the same is hereby, transferred and appropriated to the service of the Ordnance Department.*

APPROVED January 30, 1862.

February 3, 1862.

CHAP. LXI.—*An Act to explain an act entitled "An act to amend an act entitled 'An act to establish a Patent Office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements and designs,'" approved May twenty-first, eighteen hundred and sixty-one.*

How act of May 21, 1861, in relation to U. S. patents to be construed.

*The Congress of the Confederate States of America do enact, That the act passed by the Congress, entitled "An act to amend an act entitled an act to establish a Patent Office, and to provide for the granting and issue of patents for new and useful discoveries, inventions, improvements and designs," approved May twenty-first, eighteen hundred and sixty-one, be construed and understood as if the words "be deposited" occurred in the eighteenth line of the enrolled act, the title whereof is given and set forth fully in this act; the said words "be deposited," to be placed and read next after the word "necessary" in said line.*

APPROVED February 3, 1862.

February 3, 1862.

CHAP. LXII.—*An Act supplemental to an act entitled "An act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army."*

Bounty and furlough allowed to

*The Congress of the Confederate States of America do enact, That the provisions of the above entitled act, so far as the same are applica-*



ble to re-enlistment of twelve months volunteers, be, and the same are hereby, extended to troops now in the service of any State for a term not less than three months, who may re-enlist in the service of the Confederate States, according to provisions of said act, for a term which, added to their present term of service, may amount to three years.

APPROVED February 3, 1862.

CHAP. LXIII.—*An Act to authorize certain financial arrangements at the Treasury.* February 3, 1862

WHEREAS, by the act entitled "An act supplementary to an act to authorize the issue of treasury notes, and to provide a war tax for their redemption," approved December twenty-fourth, eighteen hundred and sixty-one, treasury notes to an amount not exceeding thirty millions of dollars were authorized to be converted into bonds bearing interest at the rate of six per cent. per annum, which bonds should, at the option of the holders be re-convertible into treasury notes; but no appropriation of treasury notes to be exchanged for said bonds, was made; Now,

*The Congress of the Confederate States of America do enact,* That any treasury notes in the treasury, not otherwise appropriated, are hereby appropriated and may be applied by the Secretary of the Treasury to the redemption of the said bonds. Preamble.  
Treasury notes may be applied by Secretary of Treasury to redemption of certain bonds.

SEC. 2. *And be it further enacted,* That for the purpose of providing such coin as may be required for the use of the government, the sum of two millions of dollars is hereby appropriated, to be drawn and applied by the Secretary of the Treasury from time to time, as the public exigencies may require. Appropriation to provide coin for the government.

APPROVED February 3, 1862.

CHAP. LXIV.—*An Act making appropriations for the payment of certain interest due, severally, to the banks at Memphis on advances made by them to Major General Leonidas Polk, for the benefit of the public service.* February 3, 1862.

WHEREAS, it appears from the communication of the President of the Confederate States of America, of the eleventh of January, eighteen hundred and sixty-two, that the following sums are respectively due to certain banks in the city of Memphis, Tennessee, for interest due on certain moneys by them advanced to Major General Leonidas Polk, for the interest of the public service, viz: Bank of West Tennessee, two thousand seven hundred and sixty dollars and ninety-four cents; Bank of Memphis, one thousand fifty dollars; Branch of Union Bank, one thousand three hundred dollars and sixty-six cents; Branch of State Bank, six hundred and sixty-four dollars; and Planters Bank, six hundred and ninety dollars and eighty-three cents, amounting in the aggregate to the sum of six thousand four hundred and sixty-six and forty-three one hundredths dollars, the account of which, as being due to said banks, respectively, as above set forth, is approved by Major General Leonidas Polk, and its payment recommended by himself and the Secretary of War; Therefore,

*The Congress of the Confederate States of America do enact,* That there be appropriated out of any money in the Treasury, not otherwise appropriated, for the year ending on the eighteenth day of February, eighteen hundred and sixty-two, the sum of six thousand four hundred and sixty-six and forty-three one hundredths dollars, to be paid to the banks at Memphis, for interest due on advances made by them to Major General Leonidas Polk, for the benefit of the public service. Appropriation to pay interest due the banks at Memphis.

dred and sixty-six and forty-three one hundredths dollars; which said sum shall be distributed by the Secretary of the Treasury amongst said several banks, respectively, in accordance with the amounts so shown to be due to them by the foregoing statement.

APPROVED February 3, 1862.

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February 3, 1862. CHAP. LXV.—*An Act supplementary to an act entitled "An act to amend an act entitled "An act to raise an additional force to serve during the war, and for other purposes," approved May eighth, eighteen hundred and sixty-one.\**

Act of January 22, 1862, ch. 46, § 2, requiring the election of field and company officers by regiments and company officers by regiments and companies, not to apply to companies, &c., and the commissions of such officers granted by the President, shall, raised under § 4 of said act.

*The Congress of the Confederate States of America do enact, That* the second section of the above recited act, requiring the election of field and company officers by regiments and companies, shall not apply to companies, battalions and regiments raised under the fourth section of said act; but the officers appointed by the President to raise such companies, battalions and regiments shall be the officers of the same; and the commissions of such officers granted by the President, shall, when their respective commands are fully organized, be absolute.

APPROVED February 3, 1862.

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February 5, 1862. CHAP. LXVI.—*An Act to amend the act entitled "An act to amend an act to provide for the organization of the navy, approved March sixteenth, eighteen hundred and sixty-one," approved May twentieth, eighteen hundred and sixty-one; and an act entitled "An act to authorize the President to confer temporary rank and command on officers of the navy doing duty with troops," approved December twenty-fourth, eighteen hundred and sixty-one.*

Acts of March 29, and Dec. 24, 1861, amended so as to include officers of the marine corps.

*The Congress of the Confederate States of America do enact, That* the second section of an act entitled "An act to amend an act to provide for the organization of the navy, approved March sixteenth, eighteen hundred and sixty-one," approved May twentieth, eighteen hundred and sixty-one, and the act entitled "An act to authorize the President to confer temporary rank and command on officers of the navy doing duty with troops," approved December twenty-fourth, eighteen hundred and sixty-one, be so amended as to include officers of the marine corps.

APPROVED February 5, 1862.

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February 10, 1862. CHAP. LXVII.—*An Act to provide for connecting the Richmond and Danville and the North Carolina Railroads, for military purposes.*

Connection of the Richmond and Danville with the North Carolina railroads for military purposes.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby, authorized and empowered to contract, upon such terms and conditions as he may think proper, with any company or companies which have been, or may be, incorporated and organized for the purpose of building and working a railroad, or railroads, so as to connect the Richmond and Danville Railroad with the North Carolina Railroad, at such points as he may deem most advantageous to the government, or to adopt such other course for building or

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\*The title of the act referred to in the title to the above act is not correctly set forth. The act referred to was approved January 22, 1862. See *Acts*, chap. XLVI.

working, or having the said railroad built and worked, so as to effect the said connection in the manner he may think will best promote the public interest.

SEC. 2. *Be it further enacted*, That, to enable the President to accomplish the object contemplated by this act, the sum of one million of dollars, in bonds of the Confederate States, are hereby appropriated, to be issued and applied, by the order of the President, at such times and in such sums as he may deem proper.

APPROVED February 10, 1862.

CHAP. LXVIII.—*An Act to organize the clerical force of the Treasury Department.* February 13, 1862.

*The Congress of the Confederate States of America do enact*, That the Secretary of the Treasury be, and he is hereby, authorized to appoint in the several bureaus of his department, the following clerks: In the bureau of the Secretary, one chief clerk, four clerks and one messenger. In the bureau of the comptroller, one chief clerk, twenty clerks and one messenger. In the bureau of the treasurer, one chief clerk, ten clerks, one messenger and one assistant messenger; and subordinate to the treasurer in the issue of treasury notes, one principal clerk, ten clerks for signing, and ten clerks for numbering, and as many cutters and trimmers as the public service may require, not exceeding ten in number. In the bureau of the register, one chief clerk, eight clerks and one messenger; and subordinate to the register in the management of the produce loan, one principal clerk and two clerks; and for the issue of bonds and stock and for signing coupons, one principal clerk and five clerks, and for the signing of treasury notes and issuing the same, ten clerks. In the bureau of the first auditor, one chief clerk and one principal clerk, and forty-five clerks, and one messenger and assistant. In the bureau of the second auditor, one chief clerk, forty clerks and one messenger. In the bureau of the war tax, one chief clerk and three clerks.

Organization of the clerical force in the Treasury Department.

Bureau of the Secretary.

Of comptroller;

Of Treasurer;

Of Register;

Of First Auditor;

Of 2d Auditor;

Of War Tax;

SEC. 2. The Secretary of the Treasury may employ any clerk on trial before his appointment for a term not exceeding two months; and any clerk shall be transferable from any bureau or duty to any other, at the discretion of the said Secretary, and they shall all be subject to such rules and regulations as shall be established by the Secretary, or by the head of each bureau respectively.

Clerks may be employed on trial. Transferable from one bureau to another. Subject to rules.

SEC. 3. The salaries of the said clerks shall be at the following rates per annum, and may be paid to them monthly, or at such other period as may be deemed proper by the Secretary of the Treasury; the chief clerks fifteen hundred dollars; the principal clerks fourteen hundred dollars; the other clerks shall be divided into two grades, of whom not more than one half shall receive salaries of twelve hundred dollars each, and the remainder, one thousand dollars each. The cutters and trimmers, if females, shall receive salaries at the rate of six hundred dollars for the chief and five hundred dollars for the rest; and if males, shall receive the salary of the lower grade of clerks. The messengers shall receive a salary not to exceed five hundred dollars. One of the clerks may be appointed disbursing clerk, and for his services as such, shall receive an additional salary of two hundred dollars.

Salaries of clerks.

Cutters and trimmers,

And messengers.

Disbursing clerk: Additional salary allowed him.

APPROVED February 13, 1862.



February 13, 1862. CHAP. LXIX.—*An Act to transfer the county of Attala, in the State of Mississippi, from the Northern to the Southern Judicial District of the State of Mississippi.*

Attala county, Mississippi, to form part of the Southern Judicial District of said State. *The Congress of the Confederate States of America do enact, That the county of Attala, in the State of Mississippi, shall hereafter form a part of the Southern Judicial District of said State, instead of the Northern District as heretofore, and shall be within the jurisdiction of the courts of the Confederate States of America, held within and for said Southern District.*

APPROVED, February 13, 1862.

Feb. 13, 1862. CHAP. LXX.—*An Act to pay interest due the Choctaw nation upon stocks of the State of Virginia.*

Appropriation to pay interest due the Choctaw nation upon stocks of the State of Virginia. *The Congress of the Confederate States of America do enact, That there be, and is hereby, appropriated for interest from January the first, eighteen hundred and sixty-one, to January the first, eighteen hundred and sixty-two, on four hundred and fifty thousand dollars of the stock of the State of Virginia, included in Choctaw general fund, held in trust by Secretary of the Interior of the United States, which interest has been transferred by said State to Government of the Confederate States, to be paid over to Choctaw nation of Indians, or persons empowered by such nation to receive it, twenty-seven thousand dollars.*

APPROVED February 13, 1862.

Feb. 15, 1862. CHAP. LXXI.—*An Act to alter and amend an act entitled "An act for the sequestration of the estates, property and effects of alien enemies, and for indemnity of citizens of the Confederate States, and persons aiding the same in the existing war with the United States," approved August thirtieth, eighteen hundred and sixty-one.*

Property embraced in the former sequestration act to be sold and money paid into the treasury. *The Congress of the Confederate States of America do enact, That all and every the lands, tenements and hereditaments, goods and chattels, rights and credits, and every right and interest therein embraced by said act of sequestration, of which this act is an alteration and amendment, shall be collected and sold, as provided for in this act, and the*

Choses in action not to be sold. *proceeds paid into the Treasury of the Confederate States; but in no case shall a debt, or other chose in action, be sold.*

How moneys realized to be applied. *SEC. 2. Be it further enacted, That all money realized under this act, and the act to which it is an amendment, shall be applied to the equal indemnity of all persons, loyal citizens of the Confederate States, or persons aiding the same in the present war, who have suffered, or may, hereafter suffer, loss or damage by confiscation, by the Government of the United States, or by any State government, or pretended government, acknowledging and aiding the Government of the United States in this war, or by such acts of the enemy, or other causes incident to the war, as, by future act of Congress, may be described or defined, as affording, under the circumstances, proper cases for indemnity. And all money realized as aforesaid, shall be paid into the Treasury of said Confederate States, as provided by the act to which this is an amendment; and the faith of the Confederate States is hereby pledged that the same shall be refunded, as required for the purposes aforesaid. And the Secretary of the Treasury shall cause a separate account of said money to be kept in well bound books procured for that purpose.*

To be paid into the Treasury.

Separate account thereof to be kept.

SEC. 3. *Be it further enacted*, That it shall be the duty of every person in actual possession of, or having under his control, any money, property, effects or evidences of debt, belonging to an alien enemy, <sup>Duty of persons in the possession or control of property of alien enemies.</sup> speedily to inform the receiver, and to render an account thereof, and at once to pay over to the receiver and to deliver to him such property and effects, and evidences of debt, and such payment and delivery shall be made without regard to whether any proceedings have or have not been instituted to sequester the same. And any person who, after giving such information, shall fail so to pay over and deliver on demand, made by the receiver, shall stand in contempt, and the receiver shall at once move the court or judge to proceed against such party as in other cases of contempt; and the court or judge may imprison the offender until he shall fully comply with the requirements of this act. And such payment or delivery shall fully acquit and discharge the party from all and every claim for or on account of such money, property, effects and evidences of debt. And the receiver shall give such person a receipt, specifying the amount of money, the property, effects and evidences of debt paid and delivered, and the name of the alien enemy on account of whom the same shall be paid and delivered: *Provided*, That when the person having the possession or control of any money of an alien enemy, asserts a debt or claim, against such alien enemy in his own favor, he may file it in writing in the proper court, swearing that he believes himself justly entitled to the same, and thereupon he shall not be compelled, in the first instance, to pay over to the receiver the amount thus propounded and claimed by him; but the court shall then proceed to examine and try the validity of the said debt or claim, and decree according to the facts found, and the rights and justice of the case. And if the court decides against the debt or claim, the party setting up the same shall forthwith pay over the sum so retained by him. And if the court shall decree in favor of the debt or claim thus propounded, and it exceeds the entire amount originally in possession of such debtor or claimant, he shall pay no costs; otherwise he shall pay all costs incident to the proceedings.

When such persons may be proceeded against for contempt.

Receiver to give receipts for money, property, &c. paid and delivered.

Proceedings where such persons assert claims against such alien enemies.

SEC. 4. This act, and the act to which it is an amendment, shall not operate to avoid any payment, *bona fide* made to an alien enemy, or to affect property of any kind, *bona fide* and absolutely transferred, or conveyed, by any alien enemy to a faithful citizen of the Confederate States, prior to the thirtieth day of August, eighteen hundred and sixty-one. <sup>Act not to avoid certain payments to, or transfers of property by alien enemies to citizens.</sup>

SEC. 5. In cases of partnership property and effects, the resident partner, or partners, shall be dealt with in all respects as surviving partners in cases of a dissolution of partnership by the death of one or more of the partners, according to the laws of the place of the principal place of business of the partnership; and the receiver shall have the same remedies against such resident partners as the representatives of a deceased partner would be entitled to in like case. <sup>Resident partners to be dealt with as surviving partners.</sup>

SEC. 6. The following persons shall not be taken to be alien enemies under this act, or the act to which this is an amendment: <sup>Who not to be taken as alien enemies.</sup>

*First.* Persons who now have *bona fide* become permanent residents of any State of this Confederacy, and are actually residing and domiciled within the same, yielding and acknowledging allegiance thereto, and who have not, during the present war, voluntarily contributed to the cause of the enemy.

*Second.* All persons born within any State of this Confederacy, or natives of a neutral country, who since the breaking out of the war, have abandoned their domicils and ceased their business in the enemy's country, and all persons aforesaid who have *bona fide* commenced, or attempted to remove themselves and effects from the enemy's country,



and who have been, and still are prevented from completing said removal by the force or power of the enemy, or who from physical infirmity are incapable of removing.

*Third.* All subjects or citizens of neutral countries who cannot be shown to have voluntarily contributed to the cause of the enemy, and all persons who, though citizens of the enemy's country, have abandoned that country on account of their opposition to the war, or sympathy for the people of the Confederate States.

*Fourth.* All married women natives of any State of this Confederacy who, or whose husbands shall not be shown to have voluntarily contributed to the cause of the enemy. All persons *non compos mentis*, and all minors whose fathers or mothers, were, or are, natives of this Confederacy and whose property and persons are controlled by guardians resident in the Confederate States, and who have not voluntarily contributed to the enemy's cause; and all minors under the age of sixteen years, who were born in any State of this Confederacy, or in any State exempted from the operations of this act while their parents were domiciled in such State and who have not taken up arms against the Confederate States.

*Fifth.* Free persons of color, who, by the laws of any State have been compelled to remove beyond the limits thereof, and are by law prohibited from returning to such State, and who have not in anywise aided the enemy.

When property of alien enemies may be decreed to their next of kin.

SEC. 7. The next of kin in the direct ascending and descending lines of any alien enemy, faithful citizens of any of the Confederate States, or engaged in their military or naval service shall be entitled to have decreed them (they paying all costs) the property, effects and credits of such alien enemy as if dead, intestate, leaving no other heirs or distributees, chargeable, however, in their hands, as in case of administration or heirship, with the debts of such alien enemies due to faithful citizens of any Confederate State.

With what debts chargeable in their hands.

Sales of property by receivers.

SEC. 8. All sales of property under this act shall be made by the receivers at public auction to the highest bidder and on such terms and such notice of the time and place of sale as the court may prescribe, and shall be duly reported to the court by such receivers at the term next after such sale; but no conveyance of title shall be made to the purchaser of the property until the confirmation of the sale by the court and the payment of the purchase money according to the terms of the sale; and no sale shall be valid until reported to, and confirmed by the court; nor shall any sale be confirmed until the terms shall have been complied with; and the court may set aside such sale for fraud, want of proper notice, or any material irregularity, or where it shall appear that the receiver was the purchaser or interested in the purchase, or for substantial inadequacy of price: *Provided, however,* That sales of personalty may be reported to, and confirmed by the judge in vacation.

Report to court.

Conveyance of title to purchaser.

When sale may be confirmed. When set aside for fraud, &c.

Proviso.

When sale of property may be delayed by the court.

Court may order receiver to lease real estate, &c.

Where an alien enemy contracted in writing, before May 21, 1861, to

SEC. 9. The court may, in its discretion, when special circumstances exist which temporarily depress the value of the property, delay the order of sale, or may direct the receiver to examine and report whether it would be expedient to make an immediate sale of such property, and on such report, or other satisfactory evidence, showing that a delay in the sale would tend to secure a fairer price, may order such sale to be delayed, and in all such cases the court may, in the case of real estate, or of a plantation and slaves, order the receiver to lease the same on such terms as the court may prescribe.

SEC. 10. In cases where an alien enemy may have contracted in writing, before the twenty-first day of May, eighteen hundred and sixty-one, to sell real estate to a citizen, or citizens, of this Confederacy, and to make title



upon payment of the purchase money, the court, in decreeing sequestration of the said purchase money, or the residue thereof unpaid, shall further decree that the receiver of the district, in which said real estate is situate, shall, upon payment of said purchase money, or the residue thereof, as aforesaid, make title for such real estate to the purchaser or his assignee.

SEC. 11. The court shall audit and pass on the accounts of the receiver as provided in this act, and the one to which this is an amendment; but in lieu of the compensation and allowances therein provided for, shall allow such compensation as shall to it seem reasonable and just, following, in this respect, so far as may be applicable, the analogies furnished by the laws of the State in which the court is held, concerning compensation to executors, administrators and trustees; and the court shall further allow to the receiver all proper expenses attending the execution of his office. And all fees and allowances passed by the court in favor of any receiver may be retained by him from any money in his hands; and all fees and allowances to any receiver beyond the rate of five thousand dollars per annum, except for expenses as aforesaid, shall be forthwith paid by him into the Confederate Treasury, to the use of the Confederate States, and shall be brought into, and stated and accounted for in his next account of settlement as receiver.

SEC. 12. The court shall appoint an attorney for each section in which the court shall be holden, and in which no attorney of the Confederate States resides, whose duties it shall be to discharge, within said section, the duties imposed on the attorney of the district by the act to which this is amendatory; and the compensation of such attorney so appointed shall be the same for business by him done as is now provided by ninth section of said act for the district attorney.

SEC. 13. The receiver shall, in all cases, take the possession and control of the money, property and effects of alien enemies, and of such choses in action as shall be in the hands of any agent or third person, except when otherwise provided by this act, and, on being refused possession, shall sue for the same, and such possession shall not be withheld on any pretext of any provisions of the act to which this is amendatory. The court may order a delay in the sale of property when it shall be necessary to complete or gather a growing crop, or when it shall be otherwise manifestly to the benefit of the Confederate States to delay the sale; but in all such cases the possession, control and management shall be with the receiver, or under his control and authority. And in the collection of debts or choses in action, no State stay law shall govern, but the same shall be governed by this act, and the one to which this is an amendment, so far as the latter does not conflict with this act.

SEC. 14. It shall be the duty of all persons owing debts to alien enemies, within three months from the passage of this act, to give information thereof to the receiver of the district in which he or they reside, and in case of corporations or joint stock companies, to the receiver of the district in which the principal office of business of such corporation or company may be; and such information shall be in writing and sworn to by the debtor, and in case of corporations or joint stock companies, by the principal officer of such corporation or company, before any judge of a court of record, justice of the peace, notary public, commissioner of the court or receiver under the act to which this is an amendment, and shall set forth the name or names of the creditor or owner of such debt, the amount he owes or owed on the thirtieth day of August, eighteen hundred and sixty-one, and whether the same is, or has been, secured by mortgage or otherwise; and the information or confession so made shall be filed by the receiver in the proper court of the Confederate States, and such court

Court to audit and pass on the accounts of receivers.

Compensation of receivers.

Their fees and allowances.

Excess over certain amount to be paid into the Treasury.

Appointment of attorney for each section: His duties.

Compensation.

Receivers to take possession and control of money, property, &c.

May sue for the same.

Under what circumstances the court may defer the sale of property.

State stay laws not to govern in the collection of debts.

Persons owing debts to alien enemies to give information thereof in writing, under oath, to the receiver.

Information to be filed in the proper court.

Sequestration of shall. on such information, proceed to decree sequestration and payment of the debts confessed. the debt or debts so confessed; and in case any debtor shall, in good faith, confess his indebtedness as aforesaid, but shall be unable to state the true amount of his indebtedness, or shall be in doubt whether the creditor or owner of the debt is an alien enemy, the court shall proceed to ascertain the character of the creditor or owner, and the true amount of such indebtedness, and to that end shall direct such proceedings as shall be adapted to the nature of the case, and decree according to the facts found.

When the court shall proceed to ascertain the character of the creditor and the true amount of indebtedness. And in all proceedings against persons for debts due by them to alien enemies, the debtor shall be allowed to make any defence, in law or equity, which he might or could have made in a suit brought against him by the creditor to whom such debt was due: *Provided, however,* That no execution shall issue on such decree, except for the interest which shall accrue on the same at the end of each year, until twelve months after peace shall be declared between the Confederate States and the United States, or until otherwise directed by law: *And provided, moreover,* That execution may issue for the costs of the proceeding, and the sum so collected for costs shall be deducted from the principal sum due.

Debtor allowed to make any defence, in law or equity. Execution on decree to issue only for the interest. May issue for costs.

The cost to be deducted from the principal sum due shall be deducted from the principal sum due.

Duty of receivers to ascertain and collect the debts due to alien enemies, and institute proceedings to sequester the same. SEC. 15. The receivers appointed under this act, or the act to which this is an amendment, shall proceed diligently to ascertain and collect the debts due to alien enemies by persons residing in the districts for which they are severally appointed, and shall, on the discovery of any such debts, and after the expiration of three months from the passage of this act, and the debtor shall have failed to give information of such debt, proceed to institute proceedings to sequester the same, and in such proceeding, which shall be by petition, as prescribed by said act, to which this is an amendment, and shall be to sequester the debt, as well as to ascertain the sum due by the debtor, such debtor shall be made defendant or respondent, as the case may be, and the process to bring such debtor before the court, or to compel an answer, shall be in the nature of the writ of garnishment as prescribed in said act, which shall be served on such debtor; and in case of corporations and joint stock companies, on some member or officer of such corporation or company; and shall require the defendant to answer on oath whether he is indebted to any alien enemy, or was so indebted on the thirtieth day of August, eighteen hundred and sixty-one, in what sum, and whether he knows of any other person or persons so indebted, and, on the disclosure by the defendant of such indebtedness by other persons, like proceedings shall be had as in the original cause; and in case the defendant shall suggest in his answer that the debt due by him or her is claimed or owned by any person not an alien enemy, setting forth the name of such claimant, his place of abode, citation shall issue to such claimant to appear and propound his claim on oath at the succeeding term of the court; and in case he is absent from the district in which the court is held, or cannot be found, publication shall be made for the space of one month in some newspaper best calculated to apprise such claimant to appear and propound his claim; and if such claimant shall fail to appear, his claim shall be barred. On the appearance of the claimant, the court shall direct an issue to try the same, and shall award the costs against the claimant if the claim be unfounded: *Provided,* That the entire answer shall be considered by the court.

Nature of the proceedings.

Writs of garnishment. Service of said writ.

Answer of the defendant; what to set forth.

Citation to issue to claimant.

Order of publication.

Claimant failing to appear, &c.

Issue to try the claim.

Proviso.

Proceedings pending under the act of August 30, 1861, to conform to this act.

Judgments under said act.

Debtors who fail or refuse to give information of their indebtedness within the time prescribed in this act,

SEC. 16. All proceedings now pending under the act to which this act is an amendment, shall be made to conform to the proceedings directed in this act, so far as practicable, and the judgments rendered therein shall be given in all respects, and have the same operation and effect as judgments rendered under the fourteenth section of this act.

SEC. 17. In all proceedings against debtors who fail or refuse to give information of their indebtedness within the time prescribed in this act,



and the debtor shall be brought before the court by process, the costs of information of the proceeding shall be adjudged against such debtor, in case he is found to be indebted to any alien enemy; and if it shall appear to the court, on the trial of any cause against such recusant debtor, that he has wrongfully and wilfully refused or failed to give information of his indebtedness, or to state the true amount thereof, with intent to hinder, evade or delay the execution of this act, or the act to which this is an amendment, or the jury, in any cause or issue tried by them, shall certify that such debtor has wilfully failed or refused to give information of his indebtedness, or the true amount thereof, with the intent aforesaid, the court shall award execution against such debtor on the decree or judgment for the whole amount of the debt and the interest due thereon, together with the costs; in all other cases, however, execution shall be stayed until the peace aforesaid, except for interest which shall accrue.

When execution may be awarded against them for the whole amount of the debt, interest and costs.

SEC. 18. In cases where proceedings shall be instituted to sequester judgments or decrees already rendered, or of claims or debts upon which actions or suits may be pending, the court may, after the decree of sequestration, allow the receiver to prosecute such suit, action, decree or judgment, in the name of the Confederate States of America; and in cases of suits or actions pending, or decrees or judgments rendered in the State courts, where, by the laws of such State, it may be admissible, such receiver may introduce the Confederate States of America in the proceedings as a party to prosecute such suit or action, or enforce such decree or judgment; but in such cases execution shall issue for costs and interest only until further provided by law, or twelve months after the conclusion of peace as aforesaid.

In other cases execution stayed, except for interest.

Receivers may prosecute suits, judgments, &c., in the name of the C. S., after decree of sequestration.

C. S. may be introduced as a party in suits, &c.

Execution in such cases to issue only for costs, &c.

SEC. 19. Attorneys, agents or trustees of any alien enemy having claims for fees or commission on the fund or assets in their hands, shall, on delivery of such fund or assets to the receiver, make out their accounts for such claims or commissions, and the court shall consider and allow the same, if just and reasonable, to be paid out of such funds or assets; and where counsel are already engaged in prosecuting such pending suits or actions, the receiver shall be authorized to allow them to continue to prosecute such suits or actions for the Confederate States of America.

Claims of attorneys, agents or trustees of alien enemies, for fees or commissions on the funds in their hands, may be allowed by the court.

SEC. 20. The rate of interest to be paid by debtors shall be regulated by the contract, if by the terms thereof the rate of interest shall be fixed, and if no interest shall be fixed by the contract, then the rate shall be according to the law of the place where the debt is to be paid or the contract performed; and the judgment or decree shall bear the same rate of interest fixed by law or the contract, and the same shall be punctually paid at the end of each year, or execution shall issue for the same.

Rate of interest to be paid by debtors.

Judgment or decree for the same rate.

SEC. 21. In no case shall the judgment or decree be a lien on the property of the debtor; but where the court shall award execution under this act, the property of the debtor shall be bound, from the delivery of the writ.

Judgment or decree to be no lien on property.

SEC. 22. The court, or judge in vacation, shall have power to award execution on any judgment or decree, in addition to the cases of recusant debtors, where the receiver shall make oath that the debtor is fraudulently concealing or disposing of his effects, with intent to evade the judgment, or is about to remove his effects beyond the jurisdiction of the court, but such execution shall be discharged on the defendant's giving security to the satisfaction of the court, for the performance or payment of the decree.

Execution may be awarded in vacation where debtor is fraudulently concealing or disposing of his effects.

SEC. 23. In proceedings under this act, and the act of which it is amendatory, upon affidavit being made by the attorney representing the Confederate States, or the proper receiver, that the name of an alien enemy is wholly or partly unknown to him, or that the names of the members of a partnership of alien enemies are unknown to him, the

Process and proceedings where the names of an alien enemy, or the names of the members of a partner-



ship of alien enemies are unknown.

Proper name may be inserted in the record when ascertained.

Receivers may administer oaths.

Act of Aug. 30, 1861, § 16, repealed.

Bonds and treasury notes receivable.

Fees of clerks and marshals.

Appointment of clerk of the board of commissioners. His salary.

Salaries of clerk and commissioners charged to confiscation fund.

Appointment of commissioners to take examination of witnesses.

Oaths to witnesses and subpoenas. Penalties and process against defaulting witnesses.

Fees of witnesses and commissioners.

Settlements of receivers to embrace all matters ready for settlement.

Items of account as to be specific.

Judgments entered under the act of Aug. 30, 1861, inconsistent with this act shall be set aside or amended.

Provisions of said act conflicting with this act repealed.

process and proceedings may be against such partnership by the firm name thereof, stated in such affidavit, or against such alien enemy, whose name is wholly or partly unknown, by such name or proper description as may be known and set forth in such affidavit: *Provided*, That the court may, at any time, on motion, cause the full and proper name to be inserted in the record, and used in the proceedings when the same become known to the court.

SEC. 24. Receivers shall have authority to administer oaths touching any matter incident to proceedings under this act.

SEC. 25. The sixteenth section of the act to which this is an amendment, is hereby repealed.

SEC. 26. All debts due to any alien enemy may be paid in the bonds and treasury notes of the Confederate States, and the same shall be received in payment for all property sold under this act.

SEC. 27. The fees of all clerks and marshals shall be the same for services under this act, and the act to which this is an amendment, as are allowed for similar services in the courts of the Confederate States, and shall be a charge upon the general fund derived from confiscations, and shall be paid on the order of the court.

SEC. 28. The commissioners authorized by the fourteenth section of the act to which this is an amendment, shall appoint a clerk with a salary of fifteen hundred dollars, to be paid out of the treasury of the Confederate States; but such salary, as well as the salary of said commissioners, shall be charged to the confiscation fund and be deducted therefrom; and said commissioners shall moreover have power to appoint commissioners to take the examination of witnesses touching the claims which may be propounded before them, or may summon witnesses before them to be examined orally; said commissioners, and the commissioners appointed by them to examine witnesses as aforesaid, shall have power to administer oaths to the witnesses and to issue subpoenas, and witnesses failing to appear shall be subject to like penalties and process as may be prescribed in the courts of the Confederate States against defaulting witnesses: *Provided, however*, That the costs of all proceedings to take testimony shall be paid by the claimant, except in cases where the Attorney General shall apply for leave to take testimony, and the fees of witnesses and commissioners shall be the same as are allowed in the courts of the Confederate States in like cases.

SEC. 29. So much of the act to which this is an amendment as requires the receivers to settle separately the estate of each alien enemy, is repealed, and hereafter each settlement shall embrace all the matters ready for settlement; but the items of the account shall be so specific as to show the sources from which each is derived.

SEC. 30. Where any judgment has been entered up in any of the courts of the Confederate States under the act to which this is an amendment, inconsistent with the provisions and spirit of this act, the same, on motion, shall be set aside or amended in accordance with the terms and provisions of this act.

SEC. 31. The provisions of the act to which this act is an amendment, so far as the same may conflict with this act, are hereby repealed.

APPROVED February 15, 1862.

February 15, 1862.

CHAP. LXXII.—An Act to establish certain post routes therein named.

Certain post routes established.

*The Congress of the Confederate States of America do enact*, That the following post routes be, and they are hereby, established, to wit:

*First.* From Tarborough, by way of Bethel and Flat Swamp, to Williamston, in the State of North Carolina. *Second.* From Bengal, in Bullock county, by way of William Deloaches' Mills, in said county, and Benjamin Brewton's Mills, in Tatnall county, to Reidsville, in said last-named county, in the State of Georgia. *Third.* From Burnsville, North Carolina, via Jack's Creek, Poplar Hollow, Longmore's, in Washington county, Tennessee, John Blair's, to Jonesborough, in the State of Tennessee. *Fourth.* From Laurel Valley, in North Carolina, via Stansbury Gap, to Duck Town, in the State of Tennessee. *Fifth.* From Shepherdsville to Swansboro', in the county of Onslow, North Carolina. *Sixth.* From Sandersville to Hadnot's, in said last-named county and State. *Seventh.* From Gatesville to Mintonville, in Gates county, North Carolina. *Eighth.* From Dixie, otherwise called Bu Bayou, on the Vicksburg, Shreveport and Texas railroad, to Winsboro', in the State of Louisiana. *Ninth.* From Holly's Wharf, on Chowan river, to Ballard's Bridge, in Chowan county, in the State of North Carolina. *Tenth.* From Mount Pleasant to Perryville, on the Tennessee river, via Newburg, Palestine and Linden, in the State of Tennessee. *Eleventh.* From Louisville, in the county of Winston, via Ashfordsville, in said county, Multona Springs, Phoenix Mills, Birketsville, and Rocky Point, in the county of Attala, to West Station, in the county of Holmes, in the State of Mississippi. *Twelfth.* From Crain's Creek to Carbondon, via Cowles' Store, Pocket, Gilliam's Store and Underwood's Tall House, in the State of North Carolina. *Thirteenth.* From Vaiden to Sidon, in the county of Carroll, in the State of Mississippi. *Fourteenth.* From Raymond, in the county of Hinds, to Port Gibson, in the county of Claiborne, in said State of Mississippi. *Fifteenth.* From DeKalb, in the county of Kemper, to Philadelphia, in the county of Neshoba, in said State. *Sixteenth.* From Concordia, in the county of Bolivar, to Williams Port, on the Sun Flower river, in said State. *Seventeenth.* From Canton in the county of Madison, to Shugnalak, in the county of Noxuba, via Philadelphia, in the county of Neshoba, in said State. *Eighteenth.* From Oxford, in the county of Lafayette, to Fulton, in the county of Itawamba, in said State. *Nineteenth.* From Batesville, in Panola county, to Bynam's Creek, in said State. *Twentieth.* From Fulton, in Itawamba county, to Gunstown, on the Mobile and Ohio railroad, in said State. *Twenty-first.* From Smithville to Richmond, in said State of Mississippi. *Twenty-second.* From Moscow, on the Memphis and Charleston railroad, to Antona, on the Memphis and Ohio railroad, in the State of Tennessee, via Macon, Oakland and Hickory Wythe, in said State. *Twenty-third.* From Memphis, via Ralston, to Portersville, in said State last named. *Twenty-fourth.* From Waldo, on the Florida railroad, by Fort Crane, to My Canopy, in the State of Florida. *Twenty-fifth.* From Warsaw to Gainsville, in the State of Alabama. *Twenty-sixth.* From Hicksford, in the county of Greenville, to Lawranceville, in the county of Brunswick, in the State of Virginia. *Twenty-seventh.* From Hartsville, in Sumner county, via Driver's Store, on the east fork of Goose Creek and Cartersville, to Lafayette, in the county of Macon, in the State of Tennessee. *Twenty-eighth.* From Rock Hill, York District, via Taylor's Creek, Wallace, Lewisville, Rich Hill Cross Roads, Cedar Shoals, Landsford, to Coats' Tavern, in the State of South Carolina. *Twenty-ninth.* From Shelby Depot, on the Memphis and Ohio railroad, in the county of Shelby, in the State of Tennessee, to the town of Portersville, in Tipton county, in said State. *Thirtieth.* From Statesburg, via Providence, Harmony College, Bradford Springs, to Mill Grove, in South Carolina. *Thirty-first.* From Wedowee, Alabama, to Corn Grove, via Abicochee, in said State.

In North Carolina.  
In Georgia.

In Tennessee.

In North Carolina.

In Louisiana.

In North Carolina.

In Tennessee.

In Mississippi.

In North Carolina.

In Mississippi.

In Florida.

In Alabama.

In Virginia.

In Tennessee.

In South Carolina.

In Georgia and Alabama. *Thirty-second.* From Abernathy, Alabama, to Bowdon, in the State of Georgia. *Thirty-third.* From Syllacogga, Alabama, to J. J. Richards', in Coosa county, in said State. *Thirty-fourth.* From Copperville, Cherokee county, North Carolina, to Aquone, Macon county, North Carolina.

APPROVED February 15, 1862.

February 15, 1862.

CHAP. LXXIII.—*An Act for the relief of the State of Missouri.*

Advancement to the State of Missouri.

Condition.

*The Congress of the Confederate States of America do enact, That* the Secretary of the Treasury is hereby directed to issue to the State of Missouri, upon the application of the fund commissioners for said State, one million dollars in treasury notes, upon the condition that the said State of Missouri deposit with the Secretary of the Treasury of the Confederate States an equal sum in the bonds of the State of Missouri, authorized to be issued under an act of the Legislature of said State, entitled "An act to provide for the defence of the State of Missouri, and for other purposes," which bonds shall be held by the Secretary of the Treasury until the accounts of the State of Missouri for advances made for military purposes are adjusted, as Congress may direct.

To be accounted for on adjustment of accounts of said State against the C. S.

SEC. 2. That upon the final adjustment of the accounts of the State of Missouri against the Confederate States, the sum hereby advanced shall be deducted from the amount found due to said State.

APPROVED February 15, 1862.

February 15, 1862.

CHAP. LXXIV.—*An Act supplemental to "An act to put in operation the Government under the Permanent Constitution of the Confederate States of America," approved May 21st, 1861.*

Provision to put in operation the Government under the Permanent Constitution.

Duty of the Vice President of the Provisional Government to call the Senate to order, &c.

Duty of the President of the Congress, under said Government, to call the House to order, &c.

*The Congress of the Confederate States of America do enact, That* on the assembling of the Senators elected under the provisions of the Permanent Constitution of the Confederate States, according to the directions contained in the above recited act, it shall be the duty of the Vice President of the Provisional Government to call the Senate to order, appoint a secretary of the Senate for the time being, administer the oath of office to the Senators, and preside over the body until the President of the Senate for the time being shall be elected, as provided by the act aforesaid; and in the absence of the Vice President, the oldest Senator then present shall perform the duties aforesaid. And on the assembling of the members of the House of Representatives, elected as aforesaid, under the direction of the act aforesaid, it shall be the duty of the President of the Congress of the Provisional Government to call the House to order, appoint a clerk of the House for the time being, administer the oath of office to the members, and preside over the body until a Speaker shall be elected, and in the absence of the President of Congress, the oldest member of the House then present shall perform the duties aforesaid.

APPROVED February 15, 1862.

Feb. 15, 1862.

CHAP. LXXV.—*An Act to make appropriations for the expenses of government in the legislative, executive and judicial departments, from the eighteenth of February to the first of April, eighteen hundred and sixty-two, and for other purposes.*

Appropriations for the expenses of government from

*The Congress of the Confederate States of America do enact, That* the following sums be, and the same are hereby, appropriated for the



objects hereafter expressed, from the eighteenth of February to the first of Feb. 18. to April 1, April, eighteen hundred and sixty-two. 1862, and for other purposes.

*Legislative.*—For compensation and mileage of Senators, four thousand five hundred dollars. Pay and mileage of Senators.

For compensation and mileage of members of the House of Representatives, twenty-five thousand dollars. Of members of the House.

*Executive.*—For compensation of the President of the Confederate States, four thousand dollars. President.

For compensation of the Vice-President of the Confederate States, one thousand dollars. Vice-President.

For compensation of the Private Secretary and Messenger of the President, three hundred and fifty dollars. Private secretary and messenger of the President.

For compensation of the Secretary of State, Assistant Secretary of State, Clerks and Messenger, one thousand three hundred and eighty-nine dollars and forty-four cents. Office of the Secretary of State.

For compensation of the Secretary of the Treasury, Assistant Secretary, Comptroller, Auditors, Treasurer and Register, and Clerks and Messenger in the Treasury Department, fifteen thousand dollars. Office of the Secretary of the Treasury.

For incidental and contingent expenses of the Treasury Department, two thousand dollars.

For compensation of the Secretary of War, Chief of Bureau, and Clerks and Messengers in the War Department, four thousand dollars. Office of the Secretary of War.

For contingent and incidental expenses of the War Department, ten thousand dollars.

For compensation of the Secretary of the Navy, and Clerks and Messengers in his office, three hundred and twenty-five dollars. Office of the Secretary of the Navy.

For incidental and contingent expenses of the Navy Department, five hundred dollars.

For compensation of the Postmaster General, Chiefs of Bureaus, and Clerks and Messengers in the Post Office Department, four thousand four hundred and twenty-nine dollars, thirty-eight cents. Office of the Postmaster General.

For incidental and contingent expenses of the Post-Office Department, two thousand dollars.

For compensation of the Attorney General, Assistant Attorney General, Clerks and Messenger in the Department of Justice, one thousand three hundred and fifty-six dollars. Office of the Attorney General.

For incidental and contingent expenses of the Department of Justice, five hundred dollars.

For salary of Superintendent of Public Printing and Clerk and Messenger in his office, six hundred dollars. Superintendent of Public Printing.

For printing for the several Executive Departments of the government, eleven thousand seven hundred dollars. Printing.

*Judiciary.*—For salaries of judges, attorneys and marshals, and for incidental and contingent expenses of courts, twenty thousand dollars. Judges, Attorneys, Marshals, &c.

*War Department.*—For the pay of the officers and privates of the army, volunteers and militia, in the service of the Confederate States; for quartermasters' supplies of all kinds, transportation and other necessary expenses, twenty-six million two hundred and ninety-one thousand five hundred and two dollars. Officers, &c., of the army, supplies and transportation.

For purchase of subsistence stores and commissary property, four million five hundred thousand dollars. Subsistence stores, &c.

For the ordnance service in all its branches, two million six hundred and sixty thousand dollars. Ordnance service.

For the engineer service, sixty-five thousand dollars. Engineer service

For surgical and medical supplies of the army, one hundred and twenty thousand dollars. Surgical and medical supplies.

For contingencies of the army, sixteen thousand dollars. Contingencies of the army.

Adjutant and Inspector General's office.	For the contingent expenses of the Adjutant and Inspector General's office, including office furniture, stationery, printed blanks for the use of the army, postage, telegraphic dispatches, and so forth, three thousand three hundred dollars.
Navy Department.	<i>Navy Department.</i> —For contingent enumerated, ten thousand dollars.
Coal.	For coal for steamers, one hundred thousand dollars.
Navy yard at Norfolk.	For pay of officers and others employed at the navy yard, at Norfolk, Virginia, fifteen thousand dollars.
	For repairs of buildings adjoining the gateway of the navy yard, at Norfolk, Virginia, five thousand dollars.
Commissioners under sequestration act.	<i>Miscellaneous.</i> —For compensation of three commissioners, appointed under the fourteenth section of the act of August thirtieth, eighteen hundred and sixty-one, providing for the sequestration of the estates of alien enemies, and for the indemnity of citizens of the Confederate States, two thousand two hundred and twenty dollars.
Contingent expenses of commissioners.	For contingent expenses of said commissioners, five hundred dollars.
Assessors of war tax and printing.	For wages of assessors, and for printing, under the act of Congress of August nineteenth, eighteen hundred and sixty-one, providing for a war tax, one hundred and twenty-five thousand dollars.
Chief collectors of war tax.	For salaries of chief collectors of war tax, under the same, eleven thousand and thirty-three dollars.
Transmission of funds.	For transmission of the funds of the Confederate States, one hundred thousand dollars.
Diplomatic books.	For the purchase of diplomatic books for the use of the Department of State, fifteen hundred dollars.
Sugar and molasses.	For the purchase of a year's supply of sugar and molasses for the army, one million one hundred and thirteen thousand four hundred dollars.
Redemption of treasury notes.	For redemption of treasury notes issued under the act of May sixteenth, eighteen hundred and sixty-one, and burned or otherwise rendered unfit for circulation by the holders, thirty thousand dollars.
Bounty to warrant and petty officers, seamen, &c.	For pay of warrant and petty officers, seamen, ordinary seamen, landsmen and boys, and the engineer's department of the navy, as bounty, authorized by act of Congress, approved January sixteenth, eighteen hundred and sixty-two, one hundred thousand dollars.
Bounty to non-commissioned officers, musicians and privates.	For bounty of fifty dollars to each non commissioned officer, musician and private, who may enlist for three years or during war, on the basis that one hundred thousand men will enlist, the sum of five millions of dollars.
Transportation of men.	For the transportation of the above men from the place of enlistment to the army, in the field, one million of dollars.

APPROVED February 15, 1862.

Feb. 15, 1862.

CHAP. LXXVI.—An Act to authorize and provide for the organization of the Maryland Line.

Organization of the Maryland line. *The Congress of the Confederate States of America do enact, That all native or adopted citizens of the State of Maryland, who have heretofore volunteered, are now in, or may hereafter volunteer in the service of the Confederate States, may, at their option be organized and enrolled into companies, squadrons, battalions and regiments, and with the first Maryland regiment, and several companies now in service, into one or more brigades, to be known as the Maryland line; said organization to be in accordance with existing laws.*

APPROVED February 15, 1862.

CHAP. LXXVII.—*An Act to relinquish any claim on the part of the government to any share in certain prizes.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* the government of the Confederate States do hereby relinquish all claim to any portion of the proceeds of the sale of certain vessels and their cargoes captured in the Chesapeake bay and Potomac river, on or about the twenty-ninth day of June, eighteen hundred and sixty-one, by George M. Hollins, Captain in the Confederate States navy, and certain officers of the navy, and private citizens under his command; said prizes having been made without the participation of any vessel of the Confederate States or other government aid.

APPROVED February 15, 1862.

CHAP. LXXVIII.—*An Act to fix the rank of certain officers.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* the rank of commissioned officers of regiments, battalions, squadrons and companies, who continue in service by re-election in regiments, battalions, squadrons or companies, organized of troops re-enlisting under the act providing for the granting of bounty and furloughs to privates and non-commissioned officers in the provisional army, approved December eleventh, eighteen hundred and sixty-one, and the act supplemental thereto, approved February third, eighteen hundred and sixty-two, or under the act to provide for the recruiting companies now in the service of the Confederate States for twelve months, approved January twenty-ninth, eighteen hundred and sixty-two, shall date from the time of their original election or appointment: *Provided*, Such officers shall be re-elected or appointed to offices of the same grade in the same corps.

APPROVED February 15, 1862.

CHAP. LXXIX.—*An Act to establish judicial courts in certain Indian Territories.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* in order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences or misdemeanors, and to civil remedies, as is, or may be, in force within the Indian country west of Missouri and Arkansas, south of Kansas and north of Red river, the country owned and occupied by the Cherokee Nation, as the boundaries of the same are defined by treaty between that nation and the Confederate States, is hereby erected into and constituted a judicial district of the Confederate States, for the special purposes and with the jurisdiction in this act and in existing laws and the treaty aforesaid provided, to be called and known as the district of Chalah-ki; and the whole country owned and occupied by the Choctaw and Chickasaw Nations, as the boundaries of the same are defined by treaty between these nations and the Confederate States, including the country west of the ninety-eighth degree of west longitude, leased by said nations to the Confederate States, is hereby erected into and constituted a judicial district of the Confederate States, for the special purposes and with the jurisdiction in this act and in existing laws, and the treaty aforesaid provided, to be called and known as the Tush-ca-hom-ma district.

SEC. 2. *And be it further enacted*, That all the country owned and possessed by the Creek Nation, or Muskoki Confederation, all that country

Relinquishment on the part of the government to its share in certain vessels, &c., taken in the Chesapeake bay by Capt. Hollins.

Rank of commissioned officers who continue in service by re-election to date from the time of their original election or appointment.

1861, Dec. 11.

1862, Feb. 3.

1862, Jan. 29.

Proviso.

Judicial courts established in certain Indian Territories.

District of Chalah-ki.

District of Tush-ca-hom-ma.

Certain territory to constitute an in-



tegral part of the owned and possessed by the Seminole Nation, all that country occupied and held by the Great and Little Osage Tribes of Indians, and all that Cha-lah-kijudicial district. country occupied by the Quapaws, the Seneca Tribe, formerly known as the Senecas of the Sandusky, and the Senecas and Shawnees, formerly known as the Senecas and Shawnees of Louistown, as the said countries are described and their limits defined in the treaties with the said several nations, tribes and bands of Indians, are hereby annexed to, and shall, for all the purposes of this act, constitute and continue an integral part of the Cha-lah-kijudicial district hereby established.

Jurisdiction of the court co-extensive with the limits of the district. SEC. 3. *And be it further enacted*, That the jurisdiction of each court hereinafter created shall be co-extensive with the limits of the district for which it is created, as such district is hereinafter defined.

District court to be held semi-annually in each district. SEC. 4. *And be it further enacted*, That in each of the said two districts there is hereby created, and shall hereafter be held, semi-annually, a district court of the Confederate States, with such jurisdiction in such matters, civil and criminal, to such extent and between such parties as is hereinafter provided.

Appointment of judges. SEC. 5. *And be it further enacted*, That there shall be appointed by the President of the Confederate States, by and with the advice and consent of the Senate or the Provisional Congress, one judge of the district courts of the Confederate States for the said Cha-lah-ki and Tush-ca-hom-ma districts,

Where to reside. who shall reside permanently in one or the other of said districts, and hold Term of office. his office during the term of four years; and there shall also be appointed Appointment of marshals and attorneys. one marshal and one attorney for each of said districts, all of whom shall Term of office. hold their offices during the term of four years, and reside permanently in office. Residence. their respective districts.

Fees and salary of attorneys. SEC. 6. *And be it further enacted*, That the attorneys shall receive the same fees and salary as are now allowed to the district attorneys for the Fees of marshals. western district of Arkansas; and the marshals shall each be entitled to the same fees as are now allowed to the marshal for the western district of Arkansas; and each such marshal shall also, in addition, be paid Compensation for extra services. two hundred and fifty dollars annually, as a compensation for extra services.

Judges to appoint clerks and interpreters. SEC. 7. *And be it further enacted*, That the district judge for the Cha-lah-ki and Tush-ca-hom-ma districts shall appoint a clerk and may also be interpreter for each Indian language spoken in the district, for each of the district courts over which he presides. Each of said clerks shall also be

Clerk to act as register in chancery. Term of office. Where clerks office to be kept. the register in chancery shall hold his office during the pleasure of the court, shall keep his office at the place where the court is held, shall receive the same fees and compensation as are now allowed by law to the clerk of

Fees and compensation. Duties. Pay of interpreters. the district court for the western district of Arkansas, and shall be qualified in like manner, and perform like duties as the clerks of other district courts of the Confedeseate States. Each interpreter shall be employed during the pleasure of the court, and paid such compensation as the judge shall fix,

Qualification and bond of marshals. not exceeding three dollars per day, for each day of the session. The marshals shall give bond and be qualified like the marshals of the Confederate States in other districts; and the marshals, clerks and interpreters shall be selected from among the citizens of the Choctaw or Chickasaw and Cherokee nations, respectively.

Marshals, clerks and interpreters to be selected from among the citizens. SEC. 8. *And be it further enacted*, That the district court for the Tush-ca-hom-ma district shall be held at Boggy depot in the Choctaw Nation; and that the district court for the Cha-lah-ki district shall be held at Tahlequah, in the Cherokee Nation, or at the seat of government of the Cherokee Nation, whenever that shall be removed from Tahlequah to any other point or place.

Terms of court; when to be holden. SEC. 9. *And be it further enacted*, That the terms of said district court for the district of Cha-lah-ki shall be holden on the first Mondays of March

and September; and the said district court for the district of Tush-ca-hom-ma, shall be holden on the third Mondays of April and October in each and every year.

SEC. 10. *And be it further enacted*, That in all criminal trials in said district courts, and in all suits therein at common law, the right of trial by jury shall remain inviolate; and prosecutions for all offences hereby made cognizable in said district courts, shall be commenced by presentment or indictment of a grand jury.

Trial by jury.  
Prosecutions for offences commenced by presentment or indictment.

SEC. 11. *And be it further enacted*, That each of the said district courts shall have, possess and exercise criminal jurisdiction, co-extensive with the limits of the district, to try and punish persons guilty of any offence against the laws of the Confederate States, in force within the district, the punishment whereof, when there committed, is provided for by law, or treaty of the Confederate States; and to enforce the execution of all laws of the Confederate States, declared to be in force in the Indian country, or within the limits of an agency reserve, or of the forts or military posts therein. And the said district courts shall respectively have jurisdiction to try, condemn and punish offenders against any of such laws or treaties, to adjudge and pronounce sentence, and cause execution thereof to be done, in the same manner as is done in other district courts of the Confederate States; to which end each of said district courts shall possess the powers heretofore possessed by circuit courts of the United States, so far as the same shall be necessary to carry out the provisions of this act, or of the treaties with the several Indian nations, tribes and bands.

Criminal jurisdiction.

SEC. 12. *And be it further enacted*, That each of said district courts shall have the same admiralty jurisdiction as other district courts of the Confederate States, against persons residing, or vessels and other subjects of admiralty jurisdiction found within the district; and in all civil suits at law or in equity, where the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States, or of any Territory or Province of the same, or an alien or aliens, and a citizen or citizens of the district, or a person or persons residing therein; which jurisdiction shall be exercised in such manner and with like pleadings and process, as in other district courts of the Confederate States.

Admiralty jurisdiction.

Jurisdiction in civil cases.

Pleadings and process.

SEC. 13. *And be it further enacted*, That the said district courts for the districts of Tush-ca-hom-ma and Cha-lah-ki, respectively, shall have no jurisdiction to try and punish any person for any offence committed prior to the 12th day of July, in the year of our Lord one thousand eight hundred and sixty-one, in the said Tush-ca-hom-ma district; or prior to the seventh day of October, in the same year, in the Cha-lah-ki district, as hereby constituted; nor shall any action in law or equity be maintained in the said district court of Tush-ca-hom-ma district where the cause of action accrued before the twelfth day of July, in the year of our Lord one thousand eight hundred and fifty-eight; and in the said district court of the Cha-lah-ki district, where the cause of action accrued before the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one; except where the action is brought by the Confederate States, or by a State of the Confederacy, for its or their own use and benefits.

No jurisdiction over offences committed or causes of action accrued prior to certain periods.

Exception.

SEC. 14. *And be it further enacted*, That each of the said district courts shall have jurisdiction in all civil suits instituted by the Confederate States, or by one or more States of the Confederacy, against any person or persons, whether white men or Indians, residing or found within the district; and in all civil suits the same practice shall govern, the same proceedings be had in all respects, before and after judgment or decree, and the same costs be adjudged, and be in the same manner collected, as now in the district court of the Confederate States for the Western District of Arkansas; and

Further jurisdiction in civil cases.

Practice in civil cases.

Costs.



Forms of process. the forms of all original, mesne, and final process shall be the same as are now used in that court.

Proceedings to be in the English language. SEC. 15. *And be it further enacted*, That all the proceedings in said courts shall be had and recorded in the English language; and no person shall

Who competent to serve as jurors. be competent to serve as a juror who is not a citizen of the district; that all citizens of the district, being free males, without mixture of negro blood, and over the age of twenty-one years, if competent by the general rules of law, shall be competent to serve as jurors, preference being given

How jury constituted when Indian is tried. to those who can speak and understand the English language; and every Indian tried in said courts having the right to a jury of one-half of his own

Practice in criminal cases. nation; that the practice in all criminal cases therein, including the right of challenge of jurors, shall be the same as in the district court of the

Validity and authentication of proceedings. Confederate States for the western district of Arkansas; and that within the sphere of its jurisdiction hereby defined, each of said courts shall be invested with the same powers as said district court of the western district of Arkansas; its proceedings shall have the same validity as those of that court, and shall be authenticated in the same mode and have the like faith and credit everywhere.

Juries where white persons are put on trial. SEC. 16. *And be it further enacted*, That when any white person, not by birth, adoption, or otherwise, a citizen or member of any Indian nation or tribe, as such citizenship is defined by law or treaty, shall be tried in either of said district courts for any criminal offence, such person shall be

Venire facias. entitled, upon demand, and as of right, to a jury of white men, to obtain which a writ of venire facias may, if necessary, issue to the marshal of an adjoining district in a State, commanding him to summon a panel of

Attendance may be compelled by attachment. twenty persons to serve as jurors in the given case, which writ shall be served by such marshal, and the attendance of the panel compelled, if necessary, by attachment; and out of such panel and tal[e]smen, summoned

No challenge of juror except for cause. in like manner, if necessary, the jury shall be selected, no challenge being in such case allowed the prisoner, except for cause.

Laws regulating the powers, &c., of the district courts of the C. S. to apply. SEC. 17. *And be it further enacted*, That all existing provisions of law, relating to the powers, duties or modes of proceeding and action of the

Effect of judgments and decrees. district courts of the Confederate States, of a general nature, not locally inapplicable and not contrary to the provisions of this act, shall extend

How property sold and title to pass. and apply to said district courts; that their judgments and decrees shall have the same effect as those of such other courts, and sales of property

Common law and statutes of England, made prior to July 4, 1776, to govern in each district. thereunder shall be made and evidenced, and title thereby pass, in the same manner as under judgments and decrees of said district court for the western district of Arkansas.

SEC. 18. *And be it further enacted*, That the common law of England and the statutes of England, of a general nature, made prior to the fourth

day of July, seventeen hundred and seventy-six, in aid of, and modifying or adding to, the common law, so far as the same have not been changed,

altered, annulled or repealed by the laws, customs and usages of the Cherokee nation, shall govern in each of said districts, in all matters within the civil jurisdiction of the said district courts.

Felony: how punished. SEC. 19. *And be it further enacted*, That, whenever any person is convicted of any offence, amounting to felony, at common law, or by statute, in either of the said district courts, and part of the punishment inflicted is imprisonment, such punishment shall be imprisonment and confinement at

Imprisonment. hard labor, for the whole term adjudged; and it shall be lawful for the court by which the sentence is passed, to order the same to be executed in any State prison or penitentiary in an adjoining State, the use of which

Expenses to be paid by C. S. may be allowed by the Legislature of the State for such purpose, and the expenses attendant upon the execution of such sentence shall be paid by the Confederate States.

Bills of excep- SEC. 20. *And be it further enacted*, That bills of exceptions, writs o



error, and appeals from the decisions of each of said district courts, shall be allowed, and may be taken to the supreme court of the Confederate States, in the same manner and under the same regulations as from other district courts of the Confederate States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, shall exceed one thousand dollars; but in cases involving the question of title to slaves, such writs of error or appeals shall be allowed to and decided by the said supreme court, without regard to the value of the matter, property or title, in controversy; and from any decision of either of said courts, or the judge of either, upon any writ of *habeas corpus*, involving a question of personal freedom, a writ of error or appeal shall be allowed to said supreme court.

SEC. 21. *And be it further enacted*, That writs of error shall lie to the supreme court, in behalf of the accused, from the decisions of the said district courts, in all criminal cases where the life or liberty of the accused is put in jeopardy; and the writ of error in such cases shall operate [as] a supersedeas when it is so directed by the judge of the district court, or by a judge of the supreme court; and the supreme court shall provide such rules for the regulations of this remedy in error as shall prevent abuse thereof, or the escape of persons accused of crime.

SEC. 22. *And be it further enacted*, That the district judge for the Cha-lah-ki and Tush-ca-hom-na districts shall receive an annual salary of twenty-five hundred dollars, to be paid quarter-yearly from the date of his commission, at the Treasury of the Confederate States; and there shall be appropriated annually the sum of one thousand dollars to defray the contingent expenses of each of said courts.

SEC. 23. *And be it further enacted*, That this act shall take effect as to each nation, tribe or band therein named, from the date of the ratification of the treaty, by such nation, tribe or band.

APPROVED February 15, 1862.

CHAP. LXXX.—*An Act to provide for an increase of the Quartermaster and Commissary Departments.* February 15, 1862.

*The Congress of the Confederate States of America do enact*, That in addition to the number of quartermasters, assistant quartermasters, commissaries and assistant commissaries, now allowed by law, the President shall have authority to appoint as many of said officers, as shall, in his discretion, be deemed necessary at permanent posts and depots; said appointments to terminate at the close of the war, or sooner, if the services of the officer can be advantageously dispensed with: *Provided*, That no quartermaster, assistant quartermaster, commissary or assistant commissary, be authorized to employ a clerk; but the commanding officer of quartermasters, assistant quartermasters, commissaries or assistant commissaries, shall detail from the ranks under his command such person or persons as may be necessary for service in the offices of said quartermasters, assistant quartermasters, commissaries and assistant commissaries.

APPROVED February 15, 1862.

CHAP. LXXXI.—*An Act concerning the pay and allowances due to deceased soldiers.* February 15, 1862.

*The Congress of the Confederate States of America do enact*, That the pay and allowances due to any deceased volunteer, non-commissioned

To whom paid.

officer, musician, or private, in the army of the Confederate States, shall be paid to the widow of the deceased, if living; if not, to the children, if any; and in default of widow or children, to the father, if living, and if not, to the mother of such deceased volunteer.

Payment to be made by the paymaster, upon the pay-roll made out and certified by captain or commanding officer.

SEC. 2. The pay and allowance due as aforesaid shall be paid by the paymaster or proper officer charged with the payment of the troops, to the person or persons entitled to the same, or to his or her authorized agent, attorney, or guardian, upon the pay-roll made out and certified by the captain or commanding officer of the company to which the deceased was attached, which pay-roll the captain or commanding officer as aforesaid shall make out and deliver to the person or persons entitled to such pay and allowance, or to his, her or their authorized agent, attorney, or guardian, and shall state in such pay-roll the name of the deceased volunteer, the company and regiment to which he was attached, and the date of his enlistment and death; and the paymaster or officer to whom said pay-roll shall be directed, shall pay the same according to the tenor thereof, and shall file such pay-roll with the pay-rolls of the army.

APPROVED February 15, 1862.

February 15, 1862. CHAP. LXXXII.—*An Act to provide for the connection of the railroad from Selma, in Alabama, to Meridian, in Mississippi.*

Preamble.

WHEREAS, The President in his message of the 17th of December, has expressed the opinion that the completion of the Mississippi and Alabama River Railroad, so as to connect Selma, in Alabama, with Meridian, Mississippi, is indispensable for the successful prosecution of the war, in which opinion Congress fully concurs; Now, therefore,

Advancement to complete the railroad connection between Selma, Alabama, and Meridian, Mississippi.

*The Congress of the Confederate States of America do enact, That* the President be, and he is hereby, authorized to advance to the President and Directors of the Alabama and Mississippi River Railroad Company, the sum of one hundred and fifty thousand dollars, for the purpose of completing the railroad connection between Selma, in Alabama, and Meridian, in Mississippi, upon such terms and conditions as he may deem best to secure the early completion of said railroad connection, and to secure the return of the money so advanced.

APPROVED February 15, 1862.

February 17, 1862. CHAP. LXXXIII.—*An Act to define and establish the compensation of members of the Congress of the Confederate States of America, in reference to mileage.*

Mileage allowed to members of Congress, when travelling by other than railroad or steamboat transportation.

*The Congress of the Confederate States of America do enact, That* in addition to the compensation allowed by law to members of Congress, each member for each session shall be allowed eight dollars for every twenty miles, actually and necessarily travelled by other than railroad or steamboat transportation, in coming from, and returning to, his place of residence from the place where the Congress may assemble, in lieu of the mileage now allowed over said space.

APPROVED February 17, 1862.



CHAP. LXXXIV.—*An Act repeal an act therein named.*

February 17, 1862.

*The Congress of the Confederate States of America do enact, That* an act entitled "An act to provide for raising and organizing, in the State of Missouri, additional troops for the provisional army of the Confederate States," endorsed, "passed January ninth, eighteen hundred and sixty-two," be, and the same is hereby, repealed.

APPROVED February 17, 1862.

CHAP. LXXXV.—*An Act to provide for the preservation and future publication of the journals of the Provisional Congress, and the proceedings of the Convention which framed the provisional and permanent Constitutions of the Confederate States.* February 17, 1862.

*The Congress of the Confederate States of America do enact, That* the President of the Congress be, and he is hereby, authorized and instructed to have prepared, by persons selected by him and sworn to secrecy, two copies of the journals of the Provisional Congress, and the proceedings of the Convention which framed the Provisional and Permanent Constitutions of the Confederate States, which, after having been examined by him and certified to be correct, shall be sealed and endorsed as true and exact copies of the originals.

SEC. 2. *Be it further enacted, That* one of the copies of the journals and proceedings aforesaid shall be deposited in the office of the Department of Justice, under the care of the Attorney General, and the other retained by the President of the Congress; and the originals of the same, similarly sealed and endorsed, shall be deposited with the Secretary of State; all of which copies and originals shall be preserved, with their seals unbroken, until their publication shall be ordered by the Congress of the Confederate States.

APPROVED February 17, 1862.

CHAP. LXXXVI.—*An Act to amend "An act to provide for the safe custody, printing, publication and distribution of the laws, and to provide for the appointment of an additional clerk in the Department of Justice," approved August fifth, eighteen hundred and sixty one.* February 17, 1862.

*The Congress of the Confederate States of America do enact, That* the laws and resolutions required by said act to be published in the gazettes, shall be published weekly, for two weeks, instead of weekly for one month; and the compensation therefor shall be two dollars per page, estimated according to said act, instead of one dollar and a half per page, as therein provided.

SEC. 2. *That* the third section of said act be so amended as to authorize the Attorney General to cause three thousand copies of the provisional and permanent Constitutions, and of all the acts and resolutions and treaties of the Provisional Government of the Confederate States which are not secret, to be published in one volume, at the close of the present session of Congress, arranged, and with marginal notes, and indexed, as provided in said act.

SEC. 3. *That* the volumes published under this act shall be subject, in every respect, to the provisions of the act of which this is amendatory; except that, if paper of the quality required by the previous act cannot be obtained, such paper may be used as the Superintendent of the

Act of Jan. 22, 1862, (See ante, ch. 45.) providing for raising troops in Missouri, repealed.

Copies to be made of the journals of the Provisional Congress and of the proceedings of the Convention.

Verification of copies.

How disposed of.

Where originals to be deposited.

Copies and originals to be preserved with their seals unknown.

Act of Aug. 6, 1861, § 2, amended.

Laws and resolutions to be published in the gazettes. Compensation allowed.

Act of Aug. 3, 1861, § 3 amended. Provisional and Permanent Constitutions and acts, &c., to be published in one volume.

Volumes published to be subject to the act of Aug. 5, 1861, except as it regards paper.



Proviso as to binding. Bureau of Printing may select: *Provided*, That the Attorney General may postpone the binding in calf until one year after the termination of the present war; and he may cause the volume published under this act [to be] so bound, without regard to the number of pages.

APPROVED February 17, 1862.

February 17, 1862. CHAP. LXXXVII.—*An Act to make disposition of negro slaves captured from hostile Indians.*

Captured negro slaves belonging to certain hostile Indians, to be delivered to the Superintendent of Indian Affairs west of Arkansas. *The Congress of the Confederate States of America do enact*, That all negroes who are slaves, belonging to hostile Indians, who are members or citizens of any one of the tribes of Indians friendly to this government, and who have been, or may hereafter be, captured by troops or persons in the service of the Confederate States, shall be delivered to the Superintendent of Indian Affairs west of Arkansas.

Notice by Sup't to Head Chief of the tribe. SEC. 2. That said Superintendent shall carefully inform himself of the persons and tribes to whom each negro belongs, and shall promptly notify the Executive, or Head Chief of the proper tribe or tribes, to receive the same, at some convenient place, and shall deliver said negro or negroes, to said Executive, or Head Chief of said friendly tribe or tribes, as captured property, to be held by said tribe or tribes until such provisions and orders shall be made by this government as shall seem just and wise, and shall take receipts for the same.

Delivery of negroes to the Head Chief. How long to be held. Sup't to make out record of the names, ages and values of the slaves, and report the same to Commissioner of Indian Affairs. SEC. 3. That the said Superintendent shall, at or before the time of such delivery, make out a record, showing the name and age and value of each slave received by him, and shall report the same, and the fact of such delivery, or other disposition of each of said negroes, to the Commissioner of Indian Affairs, together with all the facts of time, place and circumstances of the capture, and by whom captured; but in no case shall any free negro who is so captured be given up by virtue of this act.

APPROVED February 17, 1862.

February 17, 1862. CHAP. LXXXVIII.—*An Act to fix the date at which the bounty shall be paid to soldiers enlisting for the war.*

When bounty to be paid to soldiers enlisting for the war, or recruited. *The Congress of the Confederate States of America do enact*, That the bounty of fifty dollars, allowed by existing laws to soldiers enlisting for the war, or re-enlisting for two years, or recruited, shall be payable as soon as the volunteer entitled thereto shall have been sworn into the Confederate service, and shall have been pronounced by any surgeon, or assistant surgeon of the Confederate States, after inspection, as being fit and able to do military service.

APPROVED February 17, 1862.

## RESOLUTIONS.

[No. 1.] *A resolution authorizing the transfer of funds to foreign parts.*

November 26, 1861.

*Resolved by the Congress of the Confederate States of America,* That the Secretary of the Treasury be authorized to transfer and place on deposit, in the hands of any foreign banker, such amount of money, not exceeding two millions of dollars, as the public exigencies may require, and that he be authorized to make the transfer, by remittance of bills or shipment of produce as he may deem most advantageous.

APPROVED November 26, 1861.

[No. 2.] *A resolution for the relief of the "Lumberton Guards," (Company D.) Second Regiment North Carolina Volunteers.*

December 3, 1861.

WHEREAS, it appears that the company of volunteers known as Company D, of the second regiment of North Carolina volunteers, now serving at Sewell's Point, in Virginia, (having been organized prior to the admission of the State of North Carolina into the Confederacy,) was enlisted for the period of six months only, and has been erroneously enrolled for the period of twelve months;

*Resolved by the Congress of the Confederate States of America,* That the President be, and he is hereby, authorized to discharge the said company at the expiration of six months from the period when they were sworn in and mustered into the service of North Carolina, according to the terms of their enlistment as aforesaid.

APPROVED December 3, 1861.

[No. 3.] *A resolution of thanks to Major General Sterling Price, and the officers and soldiers under his command, for gallant and meritorious conduct in the present war.*

December 3, 1861.

*Be it resolved by the Congress of the Confederate States of America,* That the thanks of the people of the Confederate States are eminently due, and are hereby tendered, to Major General Sterling Price, and the Missouri army under his command, for the gallant conduct they have displayed throughout their service in the present war, and especially for the skill, fortitude and courage by which they gained the brilliant achievement at Lexington, Missouri, resulting, on the twentieth day of September last, in the reduction of that town and the surrender of the entire Federal army there employed.

*Be it further resolved,* That a copy of this resolution be communicated by the President to General Price, and, through him, to the army then under his command.

APPROVED December 3, 1861

Dec. 6, 1861.

[No. 4.] *Resolutions of thanks to Major General Leonidas Polk, Brigadier General Gideon J. Pillow, Brigadier General Benjamin F. Cheatham, and the officers and soldiers under their command, for gallant and distinguished services in the present war.*

Preamble.

WHEREAS, Under the Providence of God, the valor of the soldiers of the Confederate States has added another glorious victory, achieved at Belmont, in the State of Missouri, on the seventh day of November last, to those which had been so graciously vouchsafed to our arms, whereby the reduction of Columbus, in the State of Kentucky, has been prevented, and the contemplated descent of the enemy down the Mississippi river effectually stayed; Therefore

Thanks of Congress tendered to Major Gen. Polk, Brig. General's Pillow and Cheatham and to the officers and soldiers under their command.

*Be it resolved, by the Congress of the Confederate States of America,* That the thanks of Congress are most heartily tendered to Major General Leonidas Polk, Brigadier General Gideon J. Pillow, Brigadier General Benjamin F. Cheatham, and the officers and soldiers of their gallant commands, for the desperate courage they exhibited in sustaining for several hours, and under most disadvantageous circumstances, an attack by a force of the enemy greatly superior to their own, both in numbers and appointments; and for the skill and gallantry by which they converted what at first threatened so much disaster, into a triumphant victory.

*Resolved, further,* That these resolutions are intended to express what is believed to be the grateful and admiring sentiment of the whole people of the Confederacy.

Resolutions to be communicated.

*Resolved further,* That they be communicated to the commands of Major General Polk, Brigadier General Pillow, and Brigadier General Cheatham, by the proper department of the government.

APPROVED December 6, 1861.

Dec. 14, 1861.

[No. 5.] *A resolution to make an advance to the State of South Carolina, on account of her claims against the Confederate States.*

Advance to the State of South Carolina on account of her claims against the C. S.

*The Congress of the Confederate States of America do resolve,* That the sum of two hundred and fifty thousand dollars be, and is hereby, appropriated, as an advance on account of any claims of the State of South Carolina upon the Confederate States; and that the same be paid to such person as may be authorized by the Legislature of South Carolina to receive the same.

APPROVED December 14, 1861.

Dec. 16, 1861.

[No. 6.] *A resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August thirtieth, eighteen hundred and sixty-one.*

John D. Morris, of Kentucky, appointed a receiver under the sequestration act of Aug. 30, 1861.

*The Congress of the Confederate States of America do resolve,* That John D. Morris, appointed by the government of Kentucky, as their special commissioner, to secure the co-operation of the Confederate States in the sequestration of the property, effects and credits of certain banking corporations of the said State, be hereby clothed with the powers of a receiver, under the act for the sequestration of the property of alien enemies, approved thirtieth of August, eighteen hundred and sixty-one, throughout the Confederate States, and as such, he alone be authorized to ascertain, seize and sequester the property, effects and credits of all the banking corporations, of the said State, that may have made loans,



or extended pecuniary aid to the United States, or the government of Kentucky, waging war against the Confederate States; and when so sequestrated, instead of paying the same into the Treasury of the Confederate States, shall account for and pay over the same under his commission, to the government of Kentucky.

APPROVED December 16, 1861.

[No. 7.] *A resolution of thanks to Brigadier General N. G. Evans and the officers and soldiers under his command, for their gallant conduct in the battle of Leesburgh.* Dec. 18, 1861.

*Be it resolved by the Congress of the Confederate States of America,* That the thanks of Congress are due, and are hereby tendered to Brigadier General N. G. Evans, and the officers and soldiers under his command, for the brilliant victory achieved by them over largely superior forces of the enemy in the battle of Leesburgh. Thanks of Congress tendered to Brig. Gen. Evans and his command.

APPROVED December 18, 1861.

[No. 8.] *Resolutions relating to Maryland.*

Dec. 21, 1861

WHEREAS, The State of Maryland has suffered the same wrongs which impelled these Confederate States to withdraw from the United States, and is intimately associated with these States by geographical situation, by mutual interest, by similarity of institutions and by enduring sentiments of reciprocal amity and esteem; and whereas, it is believed that a large majority of the good people of Maryland earnestly desire to unite their State with the Confederate States, a desire which is proved to exist even by the violent, extraordinary and tyrannical measures employed by our enemy to restrain the expression thereof: and whereas, the Government of the United States, by imprisoning members of the Legislature of Maryland, by establishing powerful armies of foreign troops within that State and along her borders, and by suppressing with armed force the freedom of speech and of elections, has prevented the people and their representatives from adopting the political connection which they prefer, and, in revenge of their preference, has inflicted upon them many outrages, and established over them a foreign despotism: and whereas, the accession of Maryland to this Confederation will be mutually beneficial, and is essential to the integrity and security of the Confederate Union; Be it therefore—

Preamble.

*First. Resolved by the Congress of the Confederate States of America,* That the sufferings of the good people of Maryland, under the oppression of our enemy, excite our profound sympathy, and entitle them to speedy and efficient exertions on our part for their relief.

Expression of sympathy for the people of Maryland.

*Second.* That it is the desire of this government, by appropriate measures, to facilitate the accession of Maryland, with the free consent of her people, to the Confederate States.

Desire to facilitate the accession of Maryland to the C. S.

*Third.* That no peace ought to be concluded with the United States, which does not ensure to Maryland the opportunity of forming a part of this Confederacy.

No peace to be concluded which does not ensure to her the opportunity of forming a part of this Confederacy.

APPROVED December 21, 1861.

Jan. 10, 1862. [No. 9.] *Resolution of thanks to Colonel Edward Johnson, his officers and men for services in the battle of Alleghany Mountain.*

Thanks of Congress tendered to Col. Edward Johnson and to the officers and men under his command.

*First. Resolved by the Congress of the Confederate States of America, That the thanks of Congress are due, and are hereby tendered, to Colonel Edward Johnson, and to the officers and men under his command, for gallant and meritorious services at the summit of Alleghany Mountain, in Virginia, on the thirteenth day of December, eighteen hundred and sixty-one, when for more than six hours, they, with remarkable courage and constancy, sustained an assault made upon their position by fourfold their number, and finally drove the enemy in disorder, and with heavy loss, from the field.*

Resolution to be communicated.

*Second. That the foregoing resolution be communicated to said command, by the Secretary of War, and be made known in general orders.*

APPROVED January 10, 1862.

Jan. 22, 1862. [No. 10.] *A resolution in reference to the arms of the volunteers for twelve months.*

Arms of volunteers to be kept within the control of the President.

*Resolved by the Congress of the Confederate States of America, That the military exigencies of the Confederate States render it absolutely necessary that the arms of the volunteers now in the service should be kept within the control of the President of the Confederate States; so that whenever the present volunteers shall be discharged from service, the arms may be placed in the hands of others.*

APPROVED January 22, 1862.

Feb. 3, 1862. [No. 11.] *A resolution supplemental to the resolution entitled "A resolution appointing John D. Morris, of Kentucky, a receiver under the act of sequestration, approved August thirtieth, eighteen hundred and sixty-one," and which was approved by the President on the sixteenth of December, eighteen hundred and sixty-one.*

Evidence admissible in cases instituted by John D. Morris, of Kentucky, under authority of resolution of Dec. 16, 1861, appointing him receiver under sequestration act.

*The Congress of the Confederate States of America do resolve, That in all cases in any court of the Confederate States instituted by authority of the above mentioned resolution, whenever it shall appear to the court that the documentary evidence, or witnesses, necessary to establish the facts alleged in the petition, and authorize the judgment of the court, are situated within the territorial limits occupied by the public enemy, the court may, in its discretion, admit on the hearing the following articles of documentary and testimonial proof: First, a copy of any report or enunciation of the bank that it had loaned or extended pecuniary aid to the United States or the Government of Kentucky, waging war against the Confederate States; and such report or enunciation may be read from what shall appear to be a copy, or statement of its substance in the journals or session acts of the Legislature of Kentucky, or from any periodical journal of the State published within the dominions of the enemy, or testimonial proof of the substance of the contents of such documents. Second, Testimonial proof in parol, in letters or any other form of paper writing, of the admission of the president or cashiers of the bank, that such loan or pecuniary aid had been made or afforded to the enemy. Third, Circumstantial evidence of facts from which the facts necessary to make out the case are fairly inferable. But in every case the offer of such proof shall be accompanied with the affidavit of the receiver that he believes the facts which such evidence tends to prove are true.*

APPROVED February 3, 1862.

[No. 12.] *A resolution in regard to the transfer of certain Indian trust funds to the Confederate States.* Feb. 6, 1862.

*Resolved by the Congress of the Confederate States of America, That* Indemnity to the the Government of the Confederate States hereby agrees to indemnify States against loss the several States of this Confederacy, against any loss or liability on account of the incurred by them because of the payment or transfer, on the part of the transfer by them to the C. S. of funds said several States to the Government of the Confederate States, of any belonging to Indian Tribes, or stocks, bonds or funds, belonging to certain Indian Tribes, or members thereof, in pursuance of the acts of the Congress of May twenty-first, eighteen hundred and sixty-one, and January tenth, eighteen hundred and sixty-two. members thereof.

APPROVED February 6, 1862.



## PRIVATE ACTS OF THE PROVISIONAL CONGRESS

OF THE

## CONFEDERATE STATES.

*Passed at the fifth session of the Provisional Congress, which was begun and held at the City of Richmond, on Monday, the eighteenth day of November, 1861, and ended on the eighteenth day of February, 1862.*

JEFFERSON DAVIS, President. ALEXANDER H. STEPHENS, Vice-President of the Confederate States. HOWELL COBB, President of the Congress.

Jan. 16, 1862. CHAP. I.—*An Act to reward the loyalty of the Principal Chief of the Seminole Nation.*

The loyalty of Hemha Micco or John Jumper, principal chief of the Seminole Nation, rewarded.

*The Congress of the Confederate States of America do enact, That the President of the Confederate States be authorized to present to Hemha Micco, or John Jumper, a commission, conferring upon him the honorary title of Lieutenant Colonel of the army of the Confederate States, but without creating or imposing the duties of actual service or command, or pay, as a complimentary mark of honor, and a token of good will and confidence in his friendship, good faith and loyalty to this government, and to procure and present him with a complete uniform of that rank and grade, a sabre and a Maynard rifle, with a liberal supply of ammunition for the same. And the sum of two hundred and fifty dollars is hereby appropriated for the purchase of the said uniform and arms.*

APPROVED January 16, 1862.

Jan. 23, 1862.

CHAP. II.—*An Act for the relief of Dillon Jordan and F. Glackmyer.*

Accounts of Dillon Jordan and F. Glackmyer, for postal services, to be audited.

*The Congress of the Confederate States of America do enact, That the Postmaster General cause the account of Dillon Jordan and F. Glackmyer, for postal services rendered by them respectively, for the Confederate States, at Montgomery, Alabama, and Pensacola, Florida, between the twenty-ninth day of January and the first June, eighteen hundred and sixty-one, [to be audited] and that he report to this Congress what sums will be a just and proper compensation to said parties respectively for said services.*

APPROVED January 23, 1862.

CHAP. III.—*An Act for the relief of A. B. Noyes, collector of the port of St. Marks, Florida.* Jan. 23, 1862.

*The Congress of the Confederate States of America do enact, That* A. B. Noyes, collector of the port of St. Marks, Florida, be allowed, in the settlement of his accounts with the Treasury Department, the sum of seven thousand eight hundred and eighty-four dollars and eighty-one cents, for and on account of the duties accruing upon a cargo of iron, entered, bonded, and put in warehouse at that port, on the second day of October, eighteen hundred and sixty, by the Pensacola and Georgia Railroad Company, and which said iron was delivered on the twenty-fifth day of March, eighteen hundred and sixty-one, by order of the Governor of said State, to the said railroad company, without the payment of the duties due thereon to the said collector: *Provided always,* That this act shall not be so construed as to waive any rights which the Confederate States may have against the State of Florida, for the future payment of the duties so due upon the said railroad iron.

Proviso.

APPROVED, January 23, 1862.

CHAP. IV.—*An Act to provide for the compensation of G. H. Oury, delegate from Arizona, for his attendance at this session of Congress.* Feb. 11, 1862.

*The Congress of the Confederate States of America do enact, That* Pay and mileage of G. H. Oury, delegate from Arizona, for his attendance at this session of Congress, be estimated by the usual route of travel, and to eight dollars a day during this session of Congress, from the date of the approval of an act to organize the Territory of Arizona, to be paid in the same manner provided by law for the compensation of members of Congress.

[APPROVED] February 11, 1862.

CHAP. V.—*An Act appropriating the sum of one thousand one hundred and ten, twenty-two hundredths dollars for the relief of the Mobile and Great Northern Railroad Company, being the difference between fifteen and twenty-four per cent. duty on railroad iron paid at Pensacola, in May, eighteen hundred and sixty-one.* Feb. 15, 1862.

*The Congress of the Confederate States of America do enact, That* Appropriation for the relief of the Mobile and Great Northern Railroad Company, approved March fifteenth, eighteen hundred and sixty-one, the sum of one thousand one hundred and ten, twenty-two hundredths dollars, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to William D. Dunn, President of the Mobile and Great Northern Railroad Company, being the difference between fifteen and twenty-four per cent. duty on railroad iron of the value of twelve thousand and three hundred and thirty-five seventy-five hundredths dollars withdrawn from warehouses at Pensacola in the month of May, eighteen hundred and sixty-one.

APPROVED February 15, 1862.

Feb. 15, 1862. CHAP. VI.—*An Act to compensate Dillon Jordan and F. Glackmeyer, for services rendered the government.*

Compensation to Dillon Jordan and F. Glackmeyer, for services rendered the government. *The Congress of the Confederate States of America do enact, That the sum of four hundred and fourteen thirty-six one hundredths dollars be paid to Dillon Jordan, of Pensacola, Florida, out of any monies in the Treasury not otherwise appropriated, in full for services rendered, as reported by the Postmaster General; and the further sum of four hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to F. Glackmeyer, in full, for services similarly reported.*

APPROVED February 15, 1862.

## RESOLUTION.

Feb. 15, 1862. [No. 1.] *Resolution in relation to payment to disbursing clerk of appropriation for removal of the seat of government.*

Widow of Sam'l Melvin, deceased, to be paid for certain services rendered by the decedent. *Resolved, That the committee on the removal of the seat of government, be authorized from the appropriation for that object, to pay to the widow of Samuel Melvin, the deceased disbursing clerk, two hundred dollars for the services of the said clerk in disbursing the said appropriation.*

APPROVED February 15, 1862.







# INDIAN TREATIES.

## TREATY WITH THE CREEK NATION.

JULY 10TH, 1861.

### A TREATY OF FRIENDSHIP AND ALLIANCE,

*Made and concluded at the North Fork Village, on the North Fork of the Canadian river, in the Creek Nation, west of Arkansas, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States, of the one part, and the Creek Nation of Indians, by its Chiefs, Head Men and Warriors in General Council assembled, of the other part.* July 10, 1861.

The Congress of the Confederate States of America, having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Creek Nation of Indians having assented thereto upon certain terms and conditions:

Preamble.

Now, therefore, the said Confederate States, by Albert Pike, their Commissioner, constituted by the President under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Creek Nation, in General Council assembled, have agreed to the following articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America, and all of their States and people, and the Creek Nation of Indians, and all its towns and individuals. Peace and friendship perpetual.

ARTICLE II. The Creek Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance or enter into any compact, treaty or agreement with any individual State or with a foreign power: *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians for their mutual welfare and the prevention of difficulties. Terms upon which the Confederate States assume and accept the protectorate of the Creek nation.



as may not be contrary to this treaty, or inconsistent with its obligations to the Confederate States; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Creek Nation as their ward; and by the consent of the said Creek Nation, now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as it was annexed to the United States of America before that government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions, as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America.

#### Boundaries

ARTICLE III. The following shall constitute and remain the boundaries of the Creek country, viz: Beginning at the mouth of the North Fork of the Canadian river, and running northerly four miles; thence running a straight line so as to meet a line drawn from the south bank of the Arkansas river, opposite the east or lower bank of Grand river, at its junction with the Arkansas, and which runs a course south forty-four degrees west, one mile, to a post placed in the ground, thence along said line to the Arkansas and up the same to the Verdigris river, to where the old territorial line crosses it; thence along said line north to a point twenty-five miles from the Arkansas river where the old territorial line crosses the same; thence running west with the southern line of the Cherokee country to the North Fork of the Canadian river, where the boundary of the cession to the Seminole Nation defined in the first article of the treaty between the United States of America and the Creek and Seminole Nations, of August seventh, in the year of our Lord one thousand eight hundred and fifty-six, first strikes said Cherokee line; thence down said North Fork to where the eastern boundary line of the said cession to the Seminole Nation strikes the same; thence with that line due south to the Canadian river, at the mouth of the Ok-hai-ap-po, or Pond creek; and thence down said Canadian river to the place of beginning.

Assent of the  
Creek nation to act  
May 21, 1861, for  
the protection of  
certain Indian  
tribes.

ARTICLE IV. The Creek Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord one thousand eight hundred and sixty-one, whereby it was declared that all reversionary and other interest, right, title and proprietorship of the United States in, unto and over the Indian country in which that of said nation is included should pass to, and vest in, the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception hereinafter made applicable to, and in force in, said country and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Creek Nation among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to, or inconsistent with, any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent as thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

#### Proviso.

ARTICLE V. The Confederate States of America do hereby guarantee to the Creek Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty; to be held by the people of the said nation in common as they have heretofore been held, so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of parcels of the same by virtue of laws of the nation duly enacted; by which partition or sale, title in fee simple, absolute, shall vest in parceners and purchasers, whenever it shall please the nation of its own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use, and the title and tenure hereby guaranteed to the said nation, is and shall be subject to no other conditions, reservations or restrictions whatever than such as are hereinafter specially expressed.

Guarantee of lands to the Creek nation;

power to dispose of them.

ARTICLE VI. None of the said lands hereby guaranteed to the Creek Nation, shall be sold, ceded, or otherwise disposed of, to any foreign nation or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

Lands not to be sold to any foreign nation, or to any State or government whatever. Penalty.

ARTICLE VII. The Confederate States hereby agree and bind themselves that in guaranteeing to the Seminole Nation of Indians the country granted, ceded and conveyed to it by the Creek Nation, by the treaty of the seventh day of August, in the year of our Lord one thousand eight hundred and fifty-six, it shall be provided as it was in that treaty, that no part thereof shall ever be sold, or otherwise disposed of, by the said Seminole Nation without the consent of the Creek Nation formally and explicitly given.

Lands granted to Seminoles by Creeks not to be sold by former without consent of latter.

ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek Nation; and that no portion of the country hereby guaranteed to it shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

No State or Territory to pass laws for government of Creeks.

Creeks not to be incorporated into any other territorial or political organization without their full consent.

ARTICLE IX. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Creek Nation shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within their limits; excepting only such white persons as are not, by birth, adoption or otherwise members of either the Creek or Seminole Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Creek or Seminole woman, resides in the said Creek country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation, within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified, and with-

Government.

Restrictions.

Membership.

Punishment of offences.

out further legislation, as that none of said laws shall extend or apply to any offence committed by any Indian, or negro, or mulatto, or by any such white person, so by birth, adoption or otherwise a member of such Creek or Seminole Nation, against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Creek Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Creek Nation, and to prosecution and trial before its tribunals, and to punishment according to such laws, in all respects like native members of the said Creek Nation.

Intruders to be kept out of the Creek country.

ARTICLE X. All persons who are not members of either the Creek or Seminole Nation, found in the Creek country, as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation under the direction of the Executive or the General Council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals, with their families as may be in the employment of the government of the Confederate States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Creeks or Seminoles with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said tribes.

Reservation of lands for Indian agency.

ARTICLE XI. The tract of two sections of land, selected by the President of the United States, under the treaty with the Creek Nation, concluded on the twenty-fourth day of January, in the year of our Lord, one thousand eight hundred and twenty-six, at which the Creek Agency is now maintained, and whereon the public buildings of that agency have been erected is hereby reserved to the Confederate States in the same manner as the same was, by that treaty, reserved to the United States, and is not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Creek or Seminole Nation as above defined, all offences committed by whom thereon shall be punished by the laws and courts of the said nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Creek Nation in the same manner as its other lands with all the buildings that may be thereupon.

Proviso.

Reservation of lands for forts, military posts and post roads.

ARTICLE XII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post-roads as the President may deem necessary, within the Creek country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post, or roads, or of the agency, the property of any individual member of the Creek Nation, or any property of the nation itself, other than land, timber, stone and earth, be taken, destroyed or injured, just and adequate compensation shall be made by the Confederate States.

Restrictions.

Right of way for railroads or telegraph lines.

ARTICLE XIII. The Confederate States or any company incorporated by them, or any one of them, shall have the right of way for railroads or tele-



graph lines through the Creek country; but in case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Creek Nation as may be agreed upon between it and the national council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them, or of extinction of their tribe.

ARTICLE XIV. No person shall settle, farm, or raise stock within the limits of any post or fort, or of the agency, except such as are, or may be, [in] the employment of the Confederate States in some civil or military capacity, or such as, being subject to the jurisdiction and laws of the Creek Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

Farming within the limits of any post, or fort, or the agency prohibited.

ARTICLE XV. The Confederate States shall protect the Creeks from domestic strife, from hostile invasion, and from aggression by other Indians and white persons not subject to the jurisdiction and laws of the Creek Nation, and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Creeks to be protected from domestic strife, hostile invasion, and aggression by other Indians, &c.

ARTICLE XVI. No person shall hereafter be licensed to trade with the Creeks, except by the agent, and with only the exceptions hereinafter mentioned, with the advice and consent of the national council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the bureau of Indian affairs; and hereafter it shall be in the power of the general council of the Creek Nation to levy and collect of all licensed traders a tax not exceeding one and one fourth per cent. on the first cost of all goods, wares and merchandise hereafter brought by them into the nation for sale; which first cost shall, in all cases, be ascertained from the invoices, copies whereof are required to be furnished to the agent. Such tax shall be payable immediately upon and after the importation into the nation of each stock of goods, but shall in no case be levied twice on the same stock or part of the same: *Provided*, That no tax shall be levied for the present year, upon the stocks of goods now held by licensed traders; but only upon such as they shall hereafter receive, and upon so much of their present stock as shall remain on hand on the first day of January next. No appeal shall hereafter lie to any officer whatever from the decision of the agent refusing to license any applicant.

License to trade with the Indians.

Conditions imposed.

Proviso.

ARTICLE XVII. Immediately upon the signing of this treaty, the agent of the Confederate States shall notify each licensed trader in the Creek Nation that he is required to apply for a license under the laws of the Confederate States within thirty days after the date of such notice; and any one failing to do so shall be considered as an intruder, and be immediately removed from the country. Upon each such application the agent shall decide and grant or refuse the same at his discretion, as heretofore, and his decision shall be final. Every license so granted by him shall be for the term of twelve months in addition to the unexpired portion of the year 1861; and if, at the expiration of the year 1862, a renewal of license should not be granted to any such trader, he shall

Traders to apply for license under laws C. S. within 30 days after signing of treaty.

Proviso.

nevertheless be entitled to remain in the country such reasonable length of time as may, in the opinion of the agent, be necessary, under the protection of the laws of the Confederate States, as a person peaceably sojourning therein, for the purpose of collecting such debts as may be due him: *Provided*, That no such license shall be granted by the agent, unless the party applying shall have paid the whole amount of compensation for land and timber assessed for the year 1861, by the council with the assent of the agent; and that any license hereafter granted shall be revoked on failure or refusal to pay in due time the tax that may be legally assessed in any year. When a second license is applied for by any such party, or hereafter when any new party applies for license, it shall be granted with the advice and consent of the national council: *And provided also*, That if the general council has any well founded objection to the present renewal of any license to any person now licensed as a trader, for which such renewal ought not, under the law, to be granted, it may present such objection to the agent, who shall refuse to renew the license in that case if he finds such objection to be well founded and sufficient; and if he do not so refuse, the general council may carry the matter before the superintendent, whose decision shall be final.

Further proviso.

Removal of certain restrictions in reference to the sale of personal property.

ARTICLE XVIII. All restrictions and limitations heretofore imposed or existing by treaty, law or regulation, upon the right of any member of the Creek Nation freely to sell and dispose of to any person whatever, any chattel or article of personal property whatever, are hereby removed and annulled, except such as the laws of the nation itself may have created.

Appointment of agent and interpreter.

ARTICLE XIX. An agent of the Confederate States and an interpreter shall be continued to be appointed for the Creek Nation, both of whom shall reside at the agency; and whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause shown for such removal.

What Indians may reside in the Creek country.

ARTICLE XX. The Creek Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands, such Indians of any other tribe as to it may seem good; and may sell such Indians portions of land, in fee, or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the nation entitled to vote at elections, hold office or share in annuities, or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Creek Nation they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Creeks themselves. But no Indians other than Creeks and Seminoles, not now settled in the Creek country, shall be permitted to come therein to reside, without the consent and permission of the legislative authority of the nation.

Who shall be entitled to vote, hold office, share in annuities or the common lands.

Proviso.

Penalty for settling upon lands of Creek nation without permission.

ARTICLE XXI. If any citizen of the Confederate States or any other person not being permitted to do so by the authorities of said nation, or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Creek Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.



ARTICLE XXII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Creek Nation, under the penalty of one dollar per head for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Creek country; and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

Citizens of the C. S. may not pasture stock on Creek lands, but may, at all time, travel the Creek country.

ARTICLE XXIII. It is also further agreed that the members of the Creek Nation shall have the same right of travelling, driving stock and halting to recruit the same in any of the Confederate States as is given citizens of the Confederate States by the preceding article.

Creeks to have the same right to travel in any of the C. S.

ARTICLE XXIV. The officers and people of the Creek and Seminole Nations respectively, shall at all times have the right of safe conduct and free passage through the lands of each other; and the members of each nation shall have the right, freely, and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at elections, and of being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time be prescribed by their respective legislatures.

Personal and political rights, privileges and immunities of the Creeks and Seminoles.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of either the Creek or Seminole Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

Fugitives from justice to be surrendered.

ARTICLE XXVI. The Creek Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States, or any State thereof, who may be found within its limits, on demand of any proper officer of a State or the Confederate States.

Persons accused of any crime against the C. S. to be delivered up.

ARTICLE XXVII. In addition to so much and such parts of the act of Congress of the United States, enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States as provides for the punishment of crimes amounting to felony at common law or by statute against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin or securities of the Confederate States, or uttering counterfeit coin or securities, and so much of such laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the provisional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Creek country.

Laws in force in the Creek country defined.

ARTICLE XXVIII. Whenever any person who is a member of the Creek Nation shall be indicted for any offence in any court of the Confederate States or in a State court, he shall be entitled as of common right to subpoena, and if necessary compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defence, and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction of the property of the accused. And whenever the accused is not able to

Any member of the Creek nation, shall, when indicted by a Confederate or State court, have right to subpoena witnesses.



Wh notable to employ, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

All laws in regard to the return of fugitive slaves, or fugitives from labor or justice extended to the Creek nation.

Members of Creek nation competent witnesses in C. S. courts.

Official acts of judicial officers in said nation to have same effect as like acts of officers of same grade, &c., in C. S.

Existing laws in reference to slavery declared binding.

No *ex post facto* laws impairing the obligation of contracts, passed by the Creek Legislature to effect any other than members of said nation, &c.

Post-offices and mails.

Right of ferriage.

ARTICLE XXIX. The provisions of all such acts of Congress of the Confederate States as may now be in force, or may hereafter be enacted, for the purpose of carrying into effect the provision of the constitution in regard to the re-delivery or return of fugitive slaves, or fugitives from labour and service, shall extend to, and be in full force within the said Creek Nation; and shall also apply to all cases of escape of fugitive slaves from the said Creek Nation into any other Indian nation or into one of the Confederate States, the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ARTICLE XXX. Persons belonging to the Creek Nation shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ARTICLE XXXI. The official acts of all judicial officers in the said nation shall have the same effect, and be entitled to the like faith and credit everywhere, as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation, and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to like faith and credit.

ARTICLE XXXII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nation, shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

ARTICLE XXXIII. No *ex post facto* law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Creek Nation, to effect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property or deprived or restrained of his liberty, or fine, penalty or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ARTICLE XXXIV. That the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Creek Nation, and cause the mails to be regularly carried at reasonable intervals to and from the same, at the same rates of postage, and in the same manner as in the Confederate States.

ARTICLE XXXV. Whenever any stream, over which may it be desirable to establish ferries, forms the boundary of the Creek country, members of the Creek Nation shall have the right of ferriage from their own land to the opposite shore; and no more onerous terms shall be imposed by the State

or nation opposite than such as it imposes upon its own citizens having ferries on the same stream.

ARTICLE XXXVI. In consideration of the common interests of the Creek Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Creek Nation hereby agrees that it will, either by itself or in conjunction with the Seminole Nation, raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months, the company officers whereof shall be elected by the members of the company, and the field officers by a majority of the votes of the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

A regiment of mounted men to be raised to serve in the armies of the C. S.

ARTICLE XXXVII. The Creek Nation hereby agrees and binds itself at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defence of the Indian country, and of the frontier of the Confederate States as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

Troops for the defence of the Indian country and the frontier.

ARTICLE XXXVIII. It is further agreed by the said Confederate States that the said Creek Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

Creeks not to pay expenses of present or any future wars.

ARTICLE XXXIX. It is further agreed that, after the restoration of peace, the Government of the Confederate States will defend the frontiers of the Indian country, of which the Creek country is a part, and hold the forts and posts therein, with native troops, recruited among the several Indian Nations included therein, under the command of officers of the army of the Confederate States, in preference to other troops.

C. S., after peace, to defend Indian frontier with native troops.

ARTICLE XL. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of the said nations, over twenty-one years of age, and labouring under no legal disability by the law of either nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by delegates from any territories of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places, and manner of holding them and ascertaining and certifying the result, shall be prescribed by law of the Confederate States.

Representation in Congress.

Election of delegate.

ARTICLE XLI. It is further ascertained and agreed between the parties to this treaty, that the United States of America, of which the Confederate States of America were heretofore a part, were, before the separation, indebted, and still continue to be indebted to the Creek Nation, and bound

Annuities and interest thereon.

to the punctual payment to them of the following sums annually, on the first day of July of each year, that is to say :

Perpetual annuities, amounting in the aggregate to twenty-four thousand five hundred dollars, under the fourth article of the treaty of the seventh day of August, A. D., one thousand seven hundred and ninety ; the second article of the treaty of the sixteenth day of June, A. D., one thousand eight hundred and two ; and the fourth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six.

Interest at the rate of five per cent. per annum on two hundred thousand dollars, which, by the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and forty [fifty]-six, the United States agreed to invest in some safe stock, paying not less than that rate of interest, and to pay the interest regularly and faithfully, to be applied to purposes of education among the Creeks, but which they never invested ; being ten thousand dollars per annum, or more, payable perpetually.

The sum of one thousand seven hundred and ten dollars perpetually, the agreed cost of the wheelwright, blacksmith and assistant, blacksmith, shop and tools, and iron and steel, annually, under the eighth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six.

The sum of eight thousand two hundred and twenty dollars payable annually, until and upon, and ending upon the first day of July, A. D., one thousand eight hundred and sixty-four, being for the sums of six thousand dollars per annum, for education for seven years from and after the fiscal year ending 30th June, A. D., one thousand eight hundred and fifty-seven, under the fourth article of the treaty of the fourth day of January, A. D., one thousand eight hundred and forty-five, as the same is recited in the fifth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six ; and of two thousand two hundred and twenty dollars, being the estimated annual cost of the provision for two blacksmiths and assistants, shops and tools, iron and steel, under the thirteenth article of the treaty, made the twenty-fourth day of March, A. D., one thousand eight hundred and thirty-two, and which was continued for seven years from and after that fiscal year by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six.

The sum of four thousand seven hundred and ten dollars which was payable during the pleasure of the President of the United States, as follows, to-wit : two thousand dollars per annum for assistance in agricultural operations under the eighth article of the treaty of the twenty-fourth day of January, A. D., one thousand eight hundred and twenty-six ; one thousand dollars per annum for education under the fifth article of the treaty of the fourteenth day of February, A. D., one thousand eight hundred and thirty-three ; and one thousand seven hundred and ten dollars per annum, the estimated annual cost of the wagon-maker, blacksmith and assistant, shop and tools, iron and steel, under the same fifth article of the same treaty last aforesaid ; indefinite continuance of the payment of which three sums was provided for by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six.

And it is also hereby ascertained and agreed between the parties to this treaty that there was due to the Creek Nation, on the first day of July, in the year of our Lord, one thousand eight hundred and sixty-one, for and on account of these annuities, interest and annual instalments, and of arrearages thereof, the sum of seventy-one thousand nine hundred and sixty dollars, as follows, that is to say :

For the perpetual annuities then due, twenty-four thousand five hundred dollars.

For interest and arrearages on the said sum of two hundred thousand



dollars, provided to be invested for purposes of education by the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, which has never been invested, and the five instalments of interest whereon at the rate of five per cent. per annum, due up to and upon the first day of July, A. D., one thousand eight hundred and sixty-one, amount to the sum of fifty thousand dollars, whereof twenty-one thousand dollars only has been paid, the sum of twenty-nine thousand dollars.

For the two sums aforesaid due for educational purposes, seven thousand dollars.

For sums due for wagon-makers, blacksmiths, shops, iron and steel, and agricultural purposes, seven thousand six hundred and forty dollars, and for arrearages of same, being one-half of the annual sum due on the first day of July, A. D., one thousand eight hundred and sixty, and unpaid, three thousand eight hundred and twenty dollars, or together eleven thousand four hundred and sixty dollars. And it not being desired by the Confederate States that the Creek Nation should continue to receive these annual sums from the government of the United States, or otherwise have any further connection or communication with that government and its Superintendents and agents; therefore, the said Confederate States of America do hereby assume the payment, for the future, of all the above recited annuities and annual payments, and agree and bind themselves regularly and punctually to pay the same; and do also agree and bind themselves to pay immediately upon the complete ratification of this treaty, the said sum of seventy-one thousand nine hundred and sixty dollars for such annuities and annual payments, due on the first day of July, A. D. one thousand eight hundred and sixty-one, and for arrearages as above stated.

ARTICLE XLIII. It is also further agreed between the said parties to this treaty, that the United States of America, while the said several Confederate States were States of the said United States, held and do still continue to hold in their hands, invested in bonds and stocks of certain States, part or all of which are now members of the said Confederacy of States, the sum of two hundred thousand seven hundred and forty-two dollars and sixty cents, bearing an annual interest of eleven thousand six hundred and ninety-four dollars and fifty-four cents, and also arrearages of interest on the same in money, which amounted, on the first day of July, A. D., one thousand eight hundred and sixty-one, to so much as to make, with the principal, the sum of two hundred and forty-nine thousand nine hundred and thirty-seven dollars and fourteen cents, in bonds, stocks and money, in the hands of the United States, and belonging to those persons surviving, and the legal representatives of those persons deceased, who were orphan children of the Creeks, on the twenty-fourth day of March, A. D., one thousand eight hundred and thirty-two, the same being the proceeds of the twenty sections of land selected under the direction of the President of the United States, for such orphan children of the Creeks under and by virtue of the second article of the treaty of that date, and which were sold and the proceeds invested in such stocks as aforesaid, under the direction of the President of the United States, in conformity to the provision of that article that said twenty sections should be divided and retained, or sold, for the benefit of such children as the President might direct.

Amount due  
orphan children of  
the Creek nation.

And it is further agreed that in addition to this sum, and to the sum of two hundred thousand dollars which should have been invested under the sixth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, there has also long been and still

Amount due cer-  
tain claimants.

is due and owing from the said United States to certain individuals in the Creek Nation, from claims allowed by William Armstrong, as Commissioner, in their favour on account of depredations by the Osages, as provided by treaty, the sum of nine thousand seven hundred and fifty-seven dollars and fifty cents, to pay which, and other like claims, there has long remained in the treasury of the United States the sum of sixteen thousand dollars, remainder of the sum of thirty thousand dollars allowed by treaty with the Osages, made the eleventh day of January, A. D., one thousand eight hundred and thirty-nine, for the purpose of

Payment of orphan children and claimants assumed by the Confederate States.

paying what should be adjudged for such depredations; and the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Creek Nation, for the said orphans and legal representatives of orphan children of the Creeks, all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy now held by the government of the United States as trustee for the said orphans and legal representatives of orphan children of the Creeks, or for the Creek Nation; and the said interest and capital, as collected, shall be paid over to the said orphans or legal representatives of orphans of the Creeks or to the Creek Nation for them. And the said Confederate States will

States not to pay capital or interest of its bonds to U. S. but to C. S. in trust for said orphans.

request the several States whose bonds are so held, to provide by legislation or otherwise, that the capital and interest of such bonds shall not be paid to the government of the United States, but to the government of the Confederate States, in trust for the said orphans and legal representatives of orphans.

Final settlement and full payment to be made after the restoration of peace.

And the said Confederate States hereby guarantee to the said Creek Nation the final settlement and full payment upon and after the restoration of peace, and the establishment and recognition of their independence, as of debts in good faith and conscience, as well as in law due and owing, on good and valuable consideration, by the said Confederate States and other of the United States, jointly, before the secession of any of the States, of all the said sums of money so due and owing by the late United States, and of any sums received by that government, and now held by it, by way of interest on a capital of said bonds of the States; and do also guarantee to it the full and final settlement and payment, at the same period of the capital and interest of any and all bonds or stocks of any Northern State, in which any of the Creek funds may have been invested.

All other sums due by this treaty to be paid upon the restoration of peace.

ARTICLE LXIII. It is also further agreed that whatever sums of money are by this treaty provided to be settled and paid by the Confederate States to the Creek Nation, for itself, upon the restoration of peace, not including those belonging to the said orphans, shall be paid over to the authorities of the nation, to be held by them invested in stocks, or shall be by the government of the Confederate States so invested, in stocks bearing the best rate of interest, and at the market rate of such stocks as the authorities of the nation may require, so that the nation may in either mode, have all the advantages of the investment; and that, if paid over to the authorities of the nation, the government of the Confederate States shall have no further control over the same in any wise, nor be in any wise responsible for its proper investment or disposition.

Treaties with the U. S. not inconsistent with this treaty to be binding.

ARTICLE LXIV. It is further agreed between the parties that all provisions of the treaties of the Creek Nation with the United States which secure or guarantee to the Creek Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to, the provisions of this treaty, and so far as the same are not obsolete and unnecessary, or repealed, annulled, changed or modified by subsequent treaties, or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

ARTICLE LXV. It is hereby further agreed by the Confederate States that all the members of the Creek Nation as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States, in the same manner and as fully, and under the same terms and restrictions and the same conditions only as citizens of another of the Confederate States can do.

Creeks entitled to own land, and sue in the courts of any of the States of the C. S.

ARTICLE LXVI. A general amnesty of all past offences against the laws of the United States, and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Creek Nation, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon and be discharged.

Amnesty.

ARTICLE LXVII. It is also further agreed that the sum of seven hundred and fifty dollars shall be appropriated, upon the ratification of this treaty, by the Congress of the Confederate States, to pay the expenses of the Commissioners of the Creek Nation who have negotiated the same, and that the same shall be paid to the Principal Chief, Motey Kinnaird, who shall distribute the same among the Commissioners as they shall agree and direct.

Payment of expenses of Creek commissioners.

ARTICLE LXVIII. This treaty shall take effect and be obligatory upon the contracting parties, from the tenth day of July, in the year of our Lord one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States.

When to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms, and the undersigned, the Commissioners appointed in this behalf by the General Council of the Creek Nation, do hereunto set their hands and affix their seals.

{ SEAL }

Done in duplicate, at the place, and upon the day, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indians west of Arkansas.*

MOTY KINNIARD,

JOHN L. SMITH,

*Principal Chief.*

TIM BARNETT,

ICHO HACHO,

W. F. McINTOSH,

*Principal Chief Upper Creeks.*

GEO. W. BRINTON,

CHILLY McINTOSH,

OK-CHUN HACHO,

LOUIS McINTOSH,

CO-AS-SAT-THI FIX-I-KO,

JAMES M. C. SMITH,

JOSEPH CORNELLS,

G. W. STIDHAM,

GEO. W. WALKER,

THOS. C. CARR,

SAMUEL CHECOTE.

Signed in duplicate in our presence.

M. H. GARRETT,

*C. S. Agent.*

G. W. STIDHAM,

*C. S. Interpreter.*

W. WARREN JOHNSON,

WM. QUESENBERY,

*Secretary to Commissioner.*

H. S. BUCKNER,

W. L. PIKE.



Ratification by  
the Creek nation.

WHEREAS, a treaty of alliance and friendship was made and concluded, subject to the ratification of the general council of the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, by and between Albert Pike, Commissioner with plenary powers, of the Confederate States of America, on the part and behalf of the Confederate States, and Motey Kinnaird, Principal Chief, Ichu Hacho, First Chief of the Upper Creeks, Chilly McIntosh, Louis McIntosh, James M. C. Smith, Geo. W. Stidham, Thomas C. Carr, John L. Smith, Timothy Barnett, William F. McIntosh, George W. Brinton, Ok-Chun Hacho, Co-as-sa-ti Fixico, Joseph Cornells, George W. Walker, Samuel Chicote and Daniel N. McIntosh, a Committee appointed by the General Council of Mus-ko-ki Nation, at the North Fork Village, on the North Fork of the Canadian River, in the said Creek Nation; and whereas by the forty-ninth article thereof, it is provided in these words, that "This Treaty shall take effect and be obligatory upon the contracting parties, from the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Creek Nation, and by the Provisional President and Congress, or the President and Senate of the Confederate States;"

Now therefore be it known, That the Creek or Mus-ko-ki Nation, in General Council assembled, on this, the twentieth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, at the Council Ground of the said nation, having maturely considered the said treaty, and every article and clause thereof, and being satisfied therewith, doth upon its part, assent to, ratify and confirm the same, as its solemn act and compact, as is therein stipulated, and doth direct that a copy of this ratification signed by the Principal Chief and National Clerk be annexed to each part of the said treaty for authentication thereof.

Thus done and approved, the day and year aforesad.

A true copy of the original act of ratification, as adopted by the General Council.

MOTey KINNAIRD,  
*Principal Chief.*

Attest:

D. N. MCINTOSH,  
*National Clerk.*

Signed and attested in our presence.

W. H. GARRETT,  
*C. S. Agent for the Creeks.*  
G. W. STIDHAM,  
*C. S. Interpreter for the Creeks.*

Names of the Chiefs who signed the treaty concluded on the 10th day of July, 1861, and approved by the General Council of the Creek Nation on the 20th July, 1861, between the Confederate States of America and the Creek Nation of Indians:

Echur Harjo,	He-ne-matheo-che,	Ya-ha Harjo,
Cowassart Harjo,	Tullisse Fixico,	Fixico Harjo,
Nocus Emathla,	Tallof Harjo,	Ok-chun Harjo,
Us-so-na Harjo,	No-cus-illy,	Ne-ha Ya-ho-la,
In-suk-ko,	Cha-low Harjo,	Tallise Fixico,
Tustunnuk Kee,	Ok-ta-ha-hassee Harjo,	Jimmy Larney,
Ar-chu-le Harjo,	Ho-siche Boatswain,	Halputter Mikko,
Oh-sa Ya-ho-la,	Thear-ke-ta,	Samuel Lasley,

Ya-ha Tustunnukke,	It-chin Ya-ho-la,	Pow-has-e Marthla,
Ne-ha Ya-ho-la,	Nocus Fixico,	Ok-cus-ea Fixico,
Co-we Harjo,	Mikko Hutke,	Ar-hul Le-mathla,
Wm. Bruner,	Napoche Fixico,	Tul-wa Mikko,
Jacob Derrysaw,	Cotchar Fixico,	Ar-ha-luk Fixico,
E-ne-ha,	James McHenry,	Lou-cher Harjo,
Car-pit-char Ya-ho-la,	Cully Mikko,	Carpechar Fixico.

Attest:

*National Clerk.*

To the Indian names are subjoined marks.

## ARTICLE SUPPLEMENTARY

*To the treaty concluded between the Confederate States of America and the Creek Nation of Indians, at the North Fork Village, in the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one.* July 10, 1861.

ARTICLE. The survivors now residing in the Creek Nation, of the Apalachicola Band of Indians, have earnestly represented to the commissioner of the Confederate States the facts following, that is to say:

*Preamble.*

That the Apalachicola Band of Indians, being by origin a part of the Creek Nation, long resided on the Apalachicola river, in what is now the State of Florida, and were parties to the treaty concluded at camp Moultrie, with the Florida tribes of Indians, on the eighteenth day of September, A. D., one thousand eight hundred and twenty-three.

That by two treaties, made and concluded with the United States on the eighteenth day of June, A. D., one thousand eight hundred and twenty-three, by different portions of the said Apalachicola Band, the chiefs and warriors of that band relinquished all the privileges to which they were entitled as parties to the treaty aforesaid, concluded at camp Moultrie, and all their right and title to certain reservations by it secured to them; and in consideration of that cession, the United States agreed to grant, and to convey within three years, by patent, to certain named chiefs, for the benefit of themselves and of the sub chiefs and warriors of the said Apalachicola Band, the quantity, in all, of six sections of land, to be laid off under the direction of the President, after the lands should have been surveyed.

That it was provided by the same two treaties that the said six sections of land might be disposed of by the chiefs, with the consent and advice of the Governor of Florida, at any time before the expiration of said term of three years, and that the said band might thereupon migrate to a country of their choice. And it was further thereby provided, that if, at any future time, the chiefs and warriors of the Apalachicola Band should feel disposed to migrate from Florida to the Creek and Seminole country west, they might either sell the grants of land made by those treaties, and in that case must, themselves, bear the whole expense of their migration, subsistence, &c.; or they might surrender to the United States all the rights and privileges acquired under said two treaties, in which case, they should become parties to the obligations, provisions, and stipulations of the treaty of Payne's Landing, made with the Seminoles on the ninth day of May, A.

D., one thousand eight hundred and thirty-two, as a constituent part of that tribe, and re-unite with that tribe in their abode west, in which case the United States would pay six thousand dollars for the reservations in that case relinquished by the first article of the said two treaties.

That in the hostilities that afterwards took place between the Creeks and Seminoles and the United States, the said Apalachicola Band remained loyal to the United States, and maintained their peace and friendship unbroken; but, in the year 1837, they were induced by the urgent solicitation of the emigrating agent of the United States, to remove from the country occupied by them in Florida, to the Indian country west of Arkansas, leaving the lands so granted them as aforesaid, and a large number of horses, mules, cattle, hogs, wagons, and other articles which they could not collect together and carry with them, and which the said emigrating agent persuaded them to leave in his charge, on his promise that the owners should be paid the value of all such their property, in money, by the agent of the United States, on their arrival in the country provided for them on the west side of the Mississippi; a schedule of all of which property so abandoned, and of its value, and of the improvements on lands abandoned by them, and the value of each, is annexed to this article, and forms a part of it.

That, by the treaty of Payne's Landing, made on the ninth day of May, A. D., one thousand eight hundred and thirty-two, the United States agreed to pay the Seminole Indians, in full compensation for all their claim to lands in the Territory of Florida, and for all improvements on the lands so ceded, the sum of fifteen thousand four hundred dollars, to be divided among the chiefs and warriors of the several towns in a ratio proportioned to their population; and they further agreed to take the cattle belonging to the Seminoles, at the valuation of some person to be appointed by the President, and to pay the valuation, in money, to the respective owners, or give them other cattle; and the expenses of removal were to be paid by the United States, and subsistence for twelve months, to all emigrants, furnished by them;

And that no compensation has ever been made any of the said Apalachicola Band, for the lands or improvements so abandoned by them, or for the horses, mules, cattle and other property abandoned by them; nor have they ever received any part of the annuities paid the Seminole or Creek Nation since their removal west, or been recognized as an integral part of the Seminole Nation, as it was provided they should be;

And, inasmuch as the forced emigration of the said band, and their surrender and abandonment of their lands, improvements, horses, cattle and other property in consequence thereof, was equivalent; as against the United States, to an election, by them, to surrender the rights, privileges secured by the treaties of the 18th June, 1833, and to claim the rights and privileges thereby vesting in them, as parties to the treaty of Payne's Landing, of the 9th of May, 1832;

C. S., upon restoration of peace to investigate and pay certain claims of Apalachicola Indians.

Therefore, it is hereby agreed by the Confederate States of America, by Albert Pike, its Commissioner, with full powers, with the members and survivors of the Apalachicola Band of Florida Indians, that upon and after the restoration of peace, the said claims of the members of that Band, to compensation for the loss of the lands, improvements, horses, cattle, mules and other property, shall be fairly investigated, in a generous and liberal spirit, by an officer or commissioners, to whom that duty shall be assigned by the Confederate States; and that whatever shall appear, upon such investigation, to be justly or equitable owing to members of the said band, on account of such losses as aforesaid, shall be paid to the persons originally entitled to the same, or to the legal representatives of such of them as may be deceased.



And it is also farther agreed, that the foregoing provisions of this article shall extend to, and include the claims for losses of the same kind, by members of Black Dirt's Band of friendly Seminoles, who lost property in like manner, in consequence of their hurried removal west, as the same is contained in the schedule thereof, marked B, annexed to this article.

Also, claims of  
Black Dirt's Band  
of Seminoles.

And it is also agreed that the claims to money, in lieu of bounty land warrants, of the persons whose names and those of their heirs are contained in the schedule marked C, annexed to this article, shall in like manner, and at the same period, be investigated, and so far as they shall be found to be well founded, shall be paid by the Confederate States.

Also, claims to  
money in lieu of  
land warrants.

*In perpetual testimony whereof*, the said Albert Pike, Commissioner, with full powers, of the Confederate States of America, doth hereunto set his hand and affix the seal of his arms.



Thus done, signed and sealed, at the North Fork Village, on the North Fork of the Canadian river, this tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

## TREATY WITH THE CREEK NATION.

Schedule A.

## SCHEDULE A.

## Claims of Apalachicola Indians.

NAMES.	Horses.		Mules.		Cattle.		Hogs and Pigs.		Sheep, Oxen.		Corn, Rice, etc.		Wagons.		Improvement on land. Value of.
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	No. Bu.	Value.	Number.	Value.	
Charley Walker.....	6	180	2	200	16	\$96	19	\$76	1	\$50					
Jemmy Walker.....					17	176	15	45							\$40
Watley.....	3	45			6	48	12	36							35
Betsy Walker.....	6	180			16	112	25	75							200
Esier Walker.....	8	240			23	138	24	72							150
Tom-i Hacho.....	5	150			9	54	18	54							
Dinah Walker.....	3	120			24	144	30	90							200
Jenkins.....	8	240			14	98	16	48							160
Tal-si Thla-co-chi.....	1	105			19	152	14	42							25
Ni-ha Thla-co-chi.....	2	60					20	60							20
Hi-cha.....					17	119	20	72							20
A-he.....	3	60			12	72	15	45							20
O-chi Hacho.....	2	80			8	48	13	39							30
Su-na Co-chi.....					4	24	8	24							25
Fos I-ma-thla.....	3	90					15	45							35
	2	60			6	36	14	42							20
Ni-ha.....	1	40			19	60	16	48							25
I-ma-thla-chi.....	4	160			7	42	30	90							25
Pa-his Hacho.....	3	126			7	42	24	72							20
Sally Hacho.....	3	120			6	36	16	48							30
Pa-nosi-ka.....	6	240			7	42	8	24							40
To-li-pi.....	3	140			26	147	14	42							50
Milly Walker.....	2	80			23	178	19	57							45
Micoo Ya-ho-la.....	7	210			18	126	16	48							210
John Milly.....	6	180			15	90	14	42							80
Betsy.....	1	40			5	30	6	18							25
Polly Walker.....	5	150			12	84	26	78							30
Ti-fa Chi-yi.....	3	120			4	24	6	18							30
Ki-nat Ho-ho-yi.....	3	90			5	30	8	24							15
So-ni Thla-co.....	3	120			5	35	10	30							20
Davy Thla-co.....	2	80			11	77	15	45							20
Letty.....	4	160			8	56	11	33							30
Fi-ho-ki.....	3	126			39	219	24	72							25
Old Sampson.....	6	300			18	126	5	15							40
Ya-hu Thla-co.....	3	120			14	98	12	36							25
Cho-il-li.....	6	240			4	28	5	15							15
Ta-co-si Ya-ho-la.....	3	120			7	49	11	33							25
Co-a-co-chi.....	21	840			34	238	5	15							40
Madison.....	3	120			5	35	14	42							45
No-co-si Ya-ho-chi.....	3	120			11	77	7	21							100
Hii-y Ya-ka.....	1	40			4	28	6	24							
Co-si Ya-ho-la.....	6	240			14	98	15	45							40
A-ha-loc Hacho.....	6	240			14	98	20	60							28
Cho-ni.....	6	240			18	126									14
Ok-chai-yi.....	2	80			21	147	8	24							50
Co-ni.....	4	160			6	42	14	42							10
Mi-ca-leh.....	2	80			4	28	6	18							18
Mary.....	4	160			7	42	12	36							60
Ni-co.....	5	200			4	24	8	24							38
Ro-sa-na.....	3	120			10	60	18	54							27
Capt. Billy or Isa-fa Hacho.....	4	160			18	108	20	60							90
Lindy.....	2	80			7	42	13	39							15
Fa-chi-ni-chi.....	4	120			10	70									30
Co-choco-ni.....	1	30			5	30	7	21							20
Tom Farby.....	1	120					11	33							30
I-con-cha-ta Micoo.....	6	180			23	138	12	36	13	39					300
							38	114							115
I-fa-fa Hacho.....	2	80			12	72	27	81							40
Jo Riley.....	6	180			36	216	45	135							35
Simon.....	3	90					25	75							40
Imatha Johnson.....	4	120			38	228	18	54							25
Fos Hutchi.....	2	60			7	42	8	24							20
George.....	2	80			9	54	13	39							30
So-ho Hth-li.....	4	120					18	54							25
Si-hi-chi.....	3	90			7		15	45							30
Ok-mul-ki.....	4	120					42	126							35
John Lewis.....	5	200			11	66	20	60							15
Thlo-po-li.....	3	90			8	48	19	57							25
Woc si Hacho.....	2	60			10	60	35	105							

## SCHEDULE A.—CONTINUED.

Schedule A.

NAMES.	Horses.		Mules.		Cattle.		Hogs.		Sheep.		Corn, Rice, etc.		Wagons.		Improvement on land. Value of.
	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	Number.	Value.	No. Bu.	Value.	Number.	Value.	
Kat-cha Hacho.....	3	\$105			8	\$36	15	\$90							\$25
Ya-ha Hacho.....	1	30			7	42	4	12							10
Susy.....	2	50			6	36	5	15							20
Sim-ma-li-chi.....							20	80							30
Tha-thlo Hacho.....	5	150			9	51	15	45							
Ha-a-thlum Hacho.....	6	180			13	90	13	39							80
Co-cho-ge-ni Hacho.....	3	90			8	51	13	39							60
Ya-da-wa Hacho.....	3	90			6	36	16	48							35
So-coo-ki.....	2	60			4	24	8	24							40
Il-li Kat-chi.....					6	36	10	40							30
Sim-ma-li-chi.....	5	200			5	30	45	135							50
Wil-yam-ai.....	6	240			33	243	25	75							230
A-sun-wa.....	2	60			3	18	6	18							40
Wa-hi.....	4	160			8	56	6	18							20
Co-ha Thlacco.....	3	120			15	90	38	114	60	\$180	50	\$50			150
Charly Inatula.....					2	12	140	420			150	150			
Micco Yahola.....					25	150	60	180			40	40			100
Susy.....					50	300					50	50			125
Towko.....					7	42	20	60			30	30			75
Cho-wus-ti Hacho.....							20	60			70	70			50
Micco Mo-chasa.....							13	39			40	40			40
Ok-li-chi.....											50	50			80
Hillis Hacho-chi.....											83	83			140
Chos-ka.....											67	67			85
Sai-yi Mo-ho-ka.....											74	74			84
Ta-na-li-chi.....											84	84			84
Pai-chis-chi.....											55	55			65
Cho-co-yi-chi.....											74	74			74
Ti-wa-chi.....											84	84			84
Un-dolla Hacho.....											160	160			100
Thli-chi-co.....											104	104			85
It-sa E-sico.....											84	84			83
Con-ta Louch-la.....											200	200			150
Si-hi-nu-ai.....											203	203			100
Wol-hus-hi.....											100	100			103
Micco Hacho.....											70	70			100
Hok-u Thlacco.....											74	74			84
Shok-ho-ka.....											150	150			160
Jenny.....											50	50			150
Hillis Hacho.....											70	70			50
Kat-chas Hacho.....											100	100			80
No-coo L-mann-la.....											85	85			82
Uc-tai-n-the Yahola.....											73	73			64
Woo-si Hacho.....											82	82			72
Key.....											55	55			45
Sim-ma-va-li.....											43	43			54
Chi-pa-ni Thlaco.....	2	105			7	42	21	63			60	60			85
Co-tesa Micco.....											60	60			70
Khaofa Po-o-ka.....	2	70									50	50			84

I certify that the foregoing three folios constitute Schedule A, of the article supplementary to the Creek Treaty, to which are they attached, and so form a part thereof.

ALBERT PIKE,

Commissioner of the Confederate States to the Indian Nations west of Arkansas



## Schedule B.

## SCHEDULE B.

*Claims of Persons of Black Dirt's Band.*

	Number	Value.	Number	Value.	Number	Value.	Number	Value.	Number	Value.	Number	Value.	Value of Improvements.
	Hor ses.		Mules.		Cattle.		Hogs.		Oxen.		Corn, Rice, &c.		
Fos-hut-chi Tus-te-nug-ge...	2	\$90			6	\$36	150	\$450			56	\$56	94
Micco Hache .....							50	150					
A-ha-luc Ya-ho-la .....							23	60					
Cho-wus-tar-yi Ima-thla...	2	100			2	12	14	42					
Hillis Hacho .....					4	24	17	51					
Sa-ya-ho-la .....							13	39					
Cosah Micco .....							10	30					
Hepsey .....	3	18			13	78	53	159			83	\$80	Sugar cane.
													120
													100
So-wi-ki .....					14	84	48	144			90	90	90
Fo-kno-pi .....					3	18	40	120			24	28	50
Ho-po-ith-se .....	1	55											
No-cos Hacho .....	1	60											
Chul Hacho .....											63	63	87
Cho-wus-ta-yi Hacho .....					21	144	90	270					
Fai-i-chi-che .....							11	42					
Pa-hos Ima-thla .....	15	525			60	360	60	180			80	80	109
So-ko-i-ki .....	3	108											
Ok-tar-ar-chi Hacho .....							150	450					
Ok-ta-a-chi Ya-ho-la .....					6	36	100	300					
To-wa-chi .....					10	60	5	15					
Pa-lut Hacho .....							20	60					
Ok-ta-chi .....							12	36					
O-sun-i-ha .....							20	120					
Tai-ya-ki .....							9	27					
O-thlai-chi .....							6	18					
Hillis Hacho-chi .....					2	12	60	180					
Hillis Hacho .....					4	24	10	30					
V-cho Fic-si-co .....	2	90											
Pi-yi-k-i-cha .....	3	129											
Wo-li-cha .....					41	246							
Go-at-chas Hacho .....							18	54					
O-sun I-ma-thla .....	2	90											
Fos Hacho .....	1	60					100	600					
Ya-ha Hacho .....					40	240							
Con-tol Hacho .....							5	15					
Tus-ta-nuk Hacho .....							13	39			56	56	80
La-ni .....							18	54					
Lo-ni-si .....							43	129			20	20	36
Tus-te-nuk-ki .....	2	90					19	57			38	38	76
Eliza .....											33	33	116
Chus-si .....							25	75			40	40	80

I certify that the last foregoing two folios are schedule B. of the article supplementary to the Creek treaty, to which they are attached, and that they form a part thereof.

ALBERT PIKE,  
*Commissioner of the Confederate States to the Indian nations west of Arkansas.*

## SCHEDULE C.

Schedule C.

*Persons of Tus-ti-nuk-o-chi's people entitled to money in lieu of Land Warrants.*

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Kon-tol Hacho, of I-con-hut-ki town.  
 Wal-ho-chi, widow of Ya-ha Fic-si-co.  
 Ok-fus-ki, heir of Api-co-chi I-ma-thla.  
 Fai-chi-chi, heir of Tul-ma-chi Hacho.  
 Sa-la-ko-ki, heir of Kon-hut-ki Micco.  
 Si-ma-thli, heir of Ta-lap I-ma-thla.  
 Yi-ak-chi, widow of Octai I-ma-thla.  
 A. W. Fuller, heir of Ho-poi-ilth-thli, of Fos Hutchi town.  
 Ho-poi-ilth-thli, heir of Ima-thla, of Fos Hutchi town.  
 I-poi-yi, heir of Imathla Thlaceo, of Fos Hutchi town.  
 So-in-ki-cho-cho, heir of Octai-i-achi Ya-ho-la.  
 Sa-na, heir of Fos Hacho.  
 Si-a-ka-li, heir of Ya-ho-lo-chi.  
 Chi-pa-ni Thlaceo, heir of Tus-ti-nuk Hacho.  
 La-ni, heir of Pa-hos Ya-ho-la.  
 Pa-mos-ka, heir of Tus-ti-nuk I-ma-thla.  
 Si-ma-mai-chi, heir of Us-sun I-math-la.  
 A-po-lo-ti-ki, heir of Si-i-ya Pus-ka.  
 Mii-hai-yi, heir of A-tus Ya-ho-la.  
 Pa-chii-yi-si, heir of In-thla-nis I-ma-thla.  
 Ca-la-ni, heir of Po-ilth Hacho.  
 Mun-tul-ka, heir of Ho-poi-yi Hacho.  
 Mo-lit-tai-ki, heir of Co-o-sa Hacho.  
 Ma-lit-cha, heir of Ho-pa-ni Hut-ki.  
 Lo-li, heir of A-tus Micco.  
 A-pi-la-ni, heir of Micco Hacho.  
 Sa-lit-hot-chi, heir of Con-tol I-mathla.  
 Ko-nit Yahola, heir of Pa-kat-cha.  
 Ot-los-si, heir of Fai-ya-hola.  
 Pa-ma-chul-li, heir of Illis Hacho.  
 Mi-i-ak-ka, heir of Achul-li Hacho.  
 Sa-nua-ka, heir of Illis Hacho-chi.  
 Thla-ma-yi, heir of Co-sis Ima-thla.  
 Si-a-will-i, heir of Ho-o-pa.  
 Louisa, heir of Cho-co-te Ima-thla.  
 Sa-hoi-yi, heir of Ni-ha Thlac-co-chi.  
 Ho-poi-yi, heir of Ho-tul-li I-ma-thla.  
 Si-li-it-ka, heir of Sa-mo-chi.  
 Sa-pi-it-ka, heir of Tul-ma Fic-si-co.  
 Ta-lo-pi, heir of Kat-cha Ya-ho-la.  
 Sa-mi, heir of Ho-tul-ki Ya-ho-la.  
 Co-o-sa Micco.

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I hereby certify that the foregoing two pages constitute Schedule C, of the article to which they are attached, supplementary to the Creek Treaty, and so are a part of that article.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations West of Arkansas.*

Ratification by  
Congress.

# RATIFICATION BY THE CONGRESS.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of treaty, including the Secret Article and Supplementary Article, made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Creek Nation of Indians, by its chiefs, headmen and warriors, in general council assembled, of the other part, concluded at the North Fork Village, on the North Fork of the Canadian River, in the Creek Nation, on the tenth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

## AMENDMENTS:

### Amendments.

I. Strike out from article xxviii., the following words; "or in a State court," and insert, in lieu thereof, the following words: "or in a State court, subject to the laws of the State."

II. Add at the end of article xxx. the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

III. Strike out from article xi. the following words: "the same rights and privileges as may be enjoyed by delegates from any Territories of the Confederate States, in the said House of Representatives," and insert, in lieu thereof, the following words: "a seat in the hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

NOTE.—The foregoing amendments were subsequently ratified by General Council of the Creek Nation.



# TREATY WITH CHOCTAWS AND CHICKASAWS.

JULY 12, 1861

## A TREATY OF FRIENDSHIP AND ALLIANCE,

*Made and concluded at the North Fork Village on the North Fork of the Canadian river, in the Creek Nation, west of Arkansas, on the twelfth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States of the one part, and the Choctaw Nation of Indians by Robert M. Jones, Sampson Folsom, Forbis Leflore, George W. Harkins, Allen Wright, Alfred Wade, Coleman Cole, James Riley, Rufus Folsom, William Pitchlynn, McGee King, Wm King, John Turnbull, and Wm. Bryant, Commissioners appointed by the Principal Chief of the said Choctaw Nation, in pursuance of an act of the Legislature thereof, and the Chickasaw Nation of Indians, by Edmund Pickens, Holmes Colbert, James Gamble, Joel Kemp, William Kemp, Winchester Colbert, Henry C. Colbert, James N. McLish, Martin W. Allen, John M. Johnson, Samuel Colbert, Archibald Alexander, Wilson Frazier, Christopher Columbus, A-sha-lah Tabbi, and John E. Anderson, Commissioners elected by the Legislature of the said Chickasaw Nation of the other part:*

July 12, 1861.

The Congress of the Confederate States of America, having by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Choctaw and Chickasaw Nations of Indians having each assented thereto, upon certain terms and conditions;

Preamble.

Now therefore, The said Confederate States of America, by Albert Pike, their Commissioner, constituted by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Choctaw and Chickasaw nations by their respective Commissioners aforementioned, have agreed to the following Articles, that is to say:

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America and all of their States and people, and the Choctaw and Chickasaw Nations and all the people thereof.

Perpetual peace  
and friendship.

Protection of the C. S. **ARTICLE II.** The Choctaw and Chickasaw Nations of Indiana acknowledge themselves to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and do hereby stipulate and agree with them that they will not hereafter,

No alliance with any foreign power. compact, treaty or agreement with any individual State or with a foreign power, and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Choctaw and Chickasaw Nations as their wards; and by the consent of the said Choctaw and Chickasaw Nations, now here freely given, the country whereof they are proprietors in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nations, under treaties made with them, and under the statutes of the United States of America.

Annexation of territory. **ARTICLE III.** The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Choctaw and Chickasaw Nations never to desert or abandon them, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Choctaws and Chickasaws from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

Acceptance of the protectorate by the C. S. **ARTICLE IV.** The following shall constitute and remain the boundaries of the Choctaw and Chickasaw country, that is to say: Beginning at a point on the Arkansas river one hundred paces east of old Fort Smith, where the western boundary line of the State of Arkansas crosses that river, and running thence to Red river by the line between the State of Arkansas and the Choctaw and Chickasaw country, as the same was resurveyed and marked under the authority of the United States, in the year of our Lord, one thousand eight hundred and fifty-five; thence up Red river to the point where the meridian of one hundred degrees west longitude crosses the same; thence north along said meridian to the main Canadian river; thence down said river to its junction with the Arkansas river; thence down said river to the place of beginning. The boundaries of the said country, on the north and on the south, between the said east and west lines being the same in all respects, with all riparian and other rights and privileges, as they were fixed, created and continued by the treaties of the eighteenth day of October, A. D., one thousand eight hundred and twenty, and of the twenty-seventh day of September, A. D., one thousand eight hundred and thirty.

Boundaries of the Choctaw and Chickasaw country. **ARTICLE V.** It is hereby agreed by and between the Choctaw and Chickasaw Nations that the boundaries of the Chickasaw country shall hereafter continue to be as follows, that is to say: beginning on the north bank of Red river, at the mouth of Island bayou, where it empties into Red river, about twenty-six miles on a straight line, below the mouth of False Wachita; thence running a northwesterly course along the main channel of said bayou to the junction of the three prongs of said bayou, nearest the dividing ridge between the Wachita and Low Blue rivers, as laid down on Captain R. L. Hunter's map; thence northerly along the eastern prong of Island Bayou to its source; thence due north to the Canadian river; thence west along the main

Boundaries of the Chickasaw country.

Canadian to the ninety-eighth degree of west longitude; thence south to Red river; and thence down Red river to the beginning: *Provided, however,* If the line running due north, from the eastern source of Island bayou, to the main Canadian, shall not include Allen's or Wa-pa-na-acka academy, within the Chickasaw district, then an offset shall be made from same line so as to leave said academy two miles within the Chickasaw district, north, west, and south from the lines of boundary.

Proviso.

ARTICLE VI. The remainder of the country held in common by the Choctaws and Chickasaws, including the leased district, shall constitute the Choctaw district, and their officers and people shall at all times have the right of safe conduct and free passage through the Chickasaw district.

Choctaw district.

ARTICLE VII. The Choctaw and Chickasaw Nations hereby give their full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all reversignary and other interest, right, title, and proprietorship of the United States in, unto, and over the Indian country in which that of the said nations is included, should pass to, and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States, with the exception thereafter made applicable to, and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Choctaw and Chickasaw Nations among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the said Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to, or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

Assent given to act of May 21, 1861, vesting territory in the C. S.

Laws of the U. S. declared to be in force.

Provi o.

ARTICLE VIII. The Confederate States of America do hereby solemnly guarantee to the Choctaw and Chickasaw nations to be held by them to their own use and behoof in fee simple forever, the lands included within the boundaries defined in article IV of this treaty; to be held by the people of both the said nations in common, as they have heretofore been held, so long as grass shall grow and water run, if the said nations shall so please, but with power to survey the same, and divide it into sections and other legal sub-divisions when it shall be so voted by a majority of the legal voters of each nation respectively; and of making partition thereof and disposition of parcels of the same by virtue of the laws of both said nations, duly enacted; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please both nations of their own free will and accord, and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nations is and shall be subject to no other conditions, reservations, or restrictions whatever than such as are hereinafter specially expressed.

Lands included within certain boundaries guaranteed to the Choctaw and Chickasaw Nations.

Partition and sale of such lands.

ARTICLE IX. None of the lands hereby guaranteed to the Choctaw and Chickasaw Nations shall be sold, ceded or otherwise disposed of to any foreign nation or to any State or government whatever; and in case

Sale, &c., of lands to any foreign nation, inhibited.



any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

No State or Territory to pass laws for said nations.

Not to be incorporated into any other political organization without their free consent.

Lease made to the U. S. of certain territory by the treaty of June 22, 1855, renewed to the C. S.

C. S. may settle and maintain certain bands of Indians therein.

Proviso.

Indians settled upon reserves in the country so leased, subject to the laws of the C. S.

Proviso.

ARTICLE X. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Choctaw and Chickasaw Nations; and that no portion of the country guaranteed to them shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary, and unsolicited application of both said nations to erect their said country, by itself or with any other, into a State, or any other Territorial or political organization, or to incorporate it into any State previously created.

ARTICLE XI. The lease made to the United States by the treaty of the twenty-second day of June. A. D., one thousand eight hundred and fifty-five, by the Choctaw and Chickasaw Nations of all that portion of their common territory which lies west of the ninety-eighth parallel of west longitude, is hereby renewed to the Confederate States, but for the term of ninety-nine years only, from the date of this treaty; and it is agreed that the Confederate States may settle and maintain therein, upon reserves with definite limits, but of sufficient extent, all the bands of the Wichitas or Fa-wai-hash, Huecos, Caddos, Fa-hua-cu-ros, Ana-dagh-cos, Kichais, Fon-ca-was, Ionais, Comanches, Delawares, Kickapoos and Shawnees, and any other bands whose permanent ranges are south of the Canadian, or between it and the Arkansas, and which are now therein, or that they may desire, hereafter, to place therein, but not including any of the Indians in New Mexico, nor any other bands than those included in the above specification and description, without the consent of both the Choctaw and Chickasaw Nations: *Provided*, And it is hereby further agreed that whenever the said Choctaw and Chickasaw Nations become a State, the reserves so apportioned to the said several bands shall belong to them in fee, not exceeding, however, for each band, the same quantity of good land as would belong, upon a partition of the lands of the two nations to an equal number of Choctaws and Chickasaws in the whole country; and when the said bands consent to a partition among themselves, each individual shall have and receive in fee, within the said leased country, as large a quantity of good land as shall or would be apportioned to each Choctaw or Chickasaw in partition of all the national lands, with the right, however, now and in all future time, to the said several bands so settled or to be settled in said leased district to hunt upon all the vacant and unoccupied parts of the same without let or molestation.

ARTICLE XII. It is hereby further agreed between the parties to this treaty that the Indians so settled upon reserves in the country so leased shall be until they are capable of self-government, or until they shall be with their own consent incorporated among the Choctaws and Chickasaws, subject to the laws of the Confederate States, and to their exclusive control, under such rules and regulations, not inconsistent with the rights and interests of the Choctaws and Chickasaws, or with the Constitution and laws of the Confederate States, as may from time to time be prescribed by the President for their government: *Provided, however*, That the country so leased shall continue open to settlement by the Choctaws or Chickasaws as heretofore; and all members of each nation settled therein shall be subject to the jurisdiction and laws of the Choctaw Nation, except as hereinafter provided; for which purpose the said leased district may be a district of that nation; but no interference with or trespass upon the settlements or improvements of the reserve Indians shall be permitted, under any pretext whatever; nor shall any

of the laws of either the Choctaw or Chickasaw Nations be in force in said leased country, except so far as those of the Choctaw Nation can, without infraction of this treaty, apply to the members of either nation residing in the district in question.

ARTICLE XIII. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Choctaw and Chickasaw Nations, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of those nations living upon Red river, shall have, possess, and enjoy upon that river, the same ferry privileges, to the same extent, in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

Free navigation.

Ferry privileges to citizens living upon Red river.

ARTICLE XIV. So far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted, or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Choctaw and Chickasaw Nations shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within their respective limits; excepting only such white persons as are not, by birth, adoption or otherwise, members of either the Choctaw or Chickasaw Nation; and that there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Choctaw or Chickasaw woman, resides in the said Choctaw or Chickasaw country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend and apply to any offence committed by any Indian, or negro, or mulatto, or by any white person so by birth, adoption or otherwise a member of such Choctaw or Chickasaw Nation against the person or property of any Indian, negro, mulatto, or any such white person, when the same shall be committed within the limits of the said Choctaw or Chickasaw Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Choctaw and Chickasaw Nations respectively, and to prosecution and trial before their tribunals, and to punishment according to such laws, in all respects like native members of the said nations respectively.

Rights of self-government, and full jurisdiction, judicial and otherwise, over persons and property.

ARTICLE XV. All persons, not members of the Choctaw or Chickasaw Nation, who may be found in the Choctaw and Chickasaw country, as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the Nation, under the direction of the Executive or Legislature, or by the agent of the Confederate States for the Nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals, with their families, as may be in the employment of the government of the Confederate States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Choctaws or Chickasaws with the assent of the agent of the Confederate States, to reside within their respective limits without becoming members of either of said nations.

Who considered as intruders; how they may be removed.

ARTICLE XVI. A tract of two sections of land in each of said nations,

Cession of land to the C. S. to be selected by the President of the Confederate States, at such points as he may deem most proper, including, if he pleases, the present site of the agency in each nation, is hereby ceded to the Confederate States; and when selected shall be within their sole and exclusive jurisdiction:

Proviso. *Provided*, That whenever the agency for either nation shall be discontinued, the tract so selected therein shall revert to the said Choctaw and Chickasaw Nations, with all the buildings that may then be thereon: *And*

Further proviso. *provided, also*, That the President may, at any time, in his discretion, select in lieu of either said reserves, any unoccupied tract of land in the same nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency for such nation, which shall, in such case, constitute the reserve, and that first selected shall thereupon revert to the Choctaw and Chickasaw Nations.

Ports and military posts, and military and post-roads. ARTICLE XVII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and such military and post-roads as the President may deem necessary within the Choctaw and Chickasaw country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber

Compensation for private property taken for public use. felled than of each is actually requisite; and it, in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Choctaw or Chickasaw Nation, or any property of either nation, other than land, timber, stone and earth, be taken, destroyed or injured. just and adequate compensation shall be made by the Confederate States,

Right of way for railroads and telegraphs. ARTICLE XVIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way, for railroads or telegraph lines, through the Choctaw and Chickasaw country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Choctaw and Chickasaw Nations, as may be agreed on between it and the National Councils thereof; or, in case of disagreement, by making full compensation not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nations for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for in case of abandonment by them, or extinction of their nation.

No person to settle, farm or raise stock within certain limits. ARTICLE XIX. No persons shall settle, farm or raise stock within the limits of any post or fort or of either agency, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as, being subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so, upon the agency reserve.

Appointment of agent and interpreters. Where to reside. ARTICLE XX. An agent of the Confederate States, for the Choctaw and Chickasaw Nations, and an interpreter for each shall continue to be appointed. The interpreters shall reside at their respective agencies; and the agent at one of them or alternately at each. And whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed against whom they protest, and the agent may be removed, on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

Vacancy in said offices, how filled.



ARTICLE XXI. The Confederate States shall protect the Choctaws and Chickasaws from domestic strife, from hostile invasion, and from aggression by other Indians and white persons, not subject to the jurisdiction and laws of the Choctaw or Chickasaw Nation; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Protection from domestic strife, invasion and aggression.

ARTICLE XXII. It is further agreed between the parties that the agent of the Confederate States upon the application of the authorities of the Choctaw and Chickasaw Nations will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Choctaws and Chickasaws, and to remove dangerous or improper persons, but he shall call upon the military power, if necessary, and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

Prevention of intrusion, and removal of dangerous and improper persons.

ARTICLE XXIII. If any property of any Choctaws or Chickasaws be taken by citizens of the Confederate States, by stealth or force, the agent, on complaint made to him in due form, by affidavit, shall use all proper legal means and remedies, in any State where the offender may be found, to regain the property or compel a just remuneration, and, on failure to procure redress, payment shall be made for the loss sustained, by the Confederate States, upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

Remedy for recovery of property carried off by stealth or force by citizens of the C. S.

ARTICLE XXIV. No person shall be licensed to trade with the Choctaws and Chickasaws, except by the agent, and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States, in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs. The authorities of the Choctaw and Chickasaw Nations may, by a general law, duly enacted, levy and collect on all licensed traders in the nation a tax of not more than one-half of one per cent. on all goods, wares and merchandize brought by them into the Choctaw and Chickasaw country for sale, to be collected whenever such goods, wares and merchandize are introduced, and estimated upon the first cost of the same at the place of purchase, as the same shall be shown by the copies of the invoices filed with the agent: *Provided*, That no higher tax shall be levied and collected than is actually levied and collected in the same year of native traders in the nation; nor shall one be taxed at all unless the others are. No appeal shall hereafter lie from the decision of the agent or council, refusing a license, to the Commissioner of Indian Affairs, or elsewhere, except only to the Superintendent, in case of refusal by the agent. And no license shall be required to authorize any member of the Choctaw or Chickasaw Nation, who is by birth and blood an Indian, to trade in the Choctaw and Chickasaw country; nor to authorize any person, to sell flour, meat, fruits and other provisions, or stock, wagons, agricultural implements, or arms brought from any of the Confederate States into the country; nor shall any tax be levied upon such articles or the proceeds of sale thereof. And all other goods, wares and merchandize exposed to sale by a person not qualified, without a license, shall be forfeited, and be delivered and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

License to trade with the Choctaws and Chickasaws.

Tax on traders.

Proviso.

Appeal from decision refusing license.

When license not required.

Goods, &c., sold by a person not qualified, forfeited.

ARTICLE XXV. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States, and

Restrictions on the right to sell and dispose of per-

sonal property, removed. upon the unlimited right of any member of the Choctaw or Chickasaw Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property, are hereby removed; and no such restrictions shall hereafter be imposed, except by their own legislation.

Purchase or descent of lands. ARTICLE XXVI. It is hereby further agreed by the Confederate States, that all the members of the Choctaw and Chickasaw Nations, as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them.

Delegate to the House of Representatives of the U. S. How long to serve. ARTICLE XXVII. In order to enable the Choctaw and Chickasaw Nations to claim their rights and secure their interests without intervention of agents or counsel, and as they are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member, by birth or blood, on either the father's or mother's side, of one of said nations, over twenty-one years of age, and laboring under no legal disability by the laws of either nation; and such delegate shall be entitled to the same rights and privileges as may be enjoyed by delegate from any Territory of the Confederate States.

First election of delegate. The first election for delegate shall be held at such time and place, and be conducted in such manner as shall be prescribed by the agent of the Confederate States, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times,

Subsequent elections. places and manner of holding them, ascertaining and certifying the result shall be prescribed by law of the Confederate States. The delegates shall be elected alternately from each nation, the first being a Choctaw, by blood, on either the father's or mother's side, and resident in the Choctaw country; and the second a Chickasaw, by blood, on either the father's or mother's side, and resident in the Chickasaw country, and so on alternately.

Delegates to be elected alternately from each nation. Who eligible. At the respective elections, such persons only as fulfill the foregoing requisites shall be eligible, and when one is elected to fill a vacancy and serve out an unexpired term, he must belong to, and be resident in, the same nation as the person whose vacancy he fills.

Admission of the Choctaw and Chickasaw country into the Confederacy as one of the U. S. ARTICLE XXVIII. In consideration of the uniform loyalty and good faith, and the tried friendship for the people of the Confederate States, of the Choctaw and Chickasaw people, and of their fitness and capacity for self-government, proven by the establishment and successful maintenance, by each, of a regularly organized republican government, with all the forms and safeguards to which the people of the Confederate States are accustomed, it is hereby agreed by the Confederate States, that whenever and so soon as the people of each of said nations shall, by ordinance of a convention of delegates, duly elected by majorities of the legal voters, at an election regularly held after due and ample notice, in pursuance of an act of the Legislature of each, respectively, declare its desire to become a State of the Confederacy, the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms, in all respects, with the original States, without regard to population; and all the members of the Choctaw and Chickasaw Nations shall thereby become citizens of the Confederate States, not including, however, among such members, the individuals of the bands settled in the leased district aforesaid. *Provided*, That, as a condition precedent to such admission, the said nations shall provide for the survey of their lands, the holding in severalty of parts thereof by their people, the dedication of at least one section in every thirty-six to purposes of education, and the sale of such portions as are not reserved for these,

Proviso.



or other special purposes, to citizens of the Confederate States alone, on such terms as the said nation shall see fit to fix, not intended or calculated to prevent the sale thereof.

ARTICLE XXIX. The proceeds of such sales shall belong entirely to members of the Choctaw and Chickasaw Nations, and be distributed among them or invested for them in proportion to the whole population of each, in such manner as the Legislatures of said nations shall provide; nor shall any other persons ever have any interest in the annuities or funds of either the Choctaw or Chickasaw people, nor any power to legislate in regard thereto.

Proceeds of sale of lands; to whom they belong and how distributed.

ARTICLE XXX. Whenever the desire of the Creek and Seminole people and the Cherokees to become a part of the said State shall be expressed, in the same manner and with the same formalities, as is above provided for in the case of the Choctaw and Chickasaw people, the country of the Creeks and Seminoles, and that of the Cherokees, respectively, or either by itself, may be annexed to and become an integral part of said State, upon the same conditions and terms, and with the same rights to the people of each, in regard to citizenship and the proceeds of their lands.

Country of the Creeks and Seminoles and the Cherokees may become an integral part of said State.

ARTICLE XXXI. The Choctaw and Chickasaw Nations may, by joint act of their legislative authorities, receive and incorporate in either nation as members thereof, or permit to settle and reside upon the national lands, such Indians of any other nation or tribe as to them may seem good; and each nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another nation or tribe shall once have been received as members of either nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Choctaws or Chickasaws themselves. But no Indians, other than Choctaws and Chickasaws, not settled in the Choctaw and Chickasaw country, shall be permitted to come therein to reside, without the consent and permission of the legislative authority of each nation.

Indians of other nations may settle on the lands of the Choctaws and Chickasaws.

Who to vote at elections and share in annuities.

*Provided*.

ARTICLE XXXII. If any citizen of the Confederate States, or any other person, not being permitted to do so by the authorities of either of said nations, or authorised by the terms of this treaty, shall attempt to settle upon any lands of said nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by the law of said nation.

Punishment of persons for settling on their lands without authority.

ARTICLE XXXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Choctaw or Chickasaw Nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Choctaw and Chickasaw country, to drive their stock through the same, and to halt such reasonable time, on the way, as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other; and members of the Choctaw and Chickasaw Nations shall have the same rights and privileges under the same and no other restrictions and limitations in each of the Confederate States.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXXIV. If any person hired or employed by the agent, or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Choctaw or Chickasaw country, he or she shall be removed by the superintendent, upon the application of the Executive of the nation in which such person is, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

Unfit persons employed within the agency reserve may be removed.

ARTICLE XXXV. The officers and people of the Choctaw and Chickasaw Nations, respectively, shall, at all times, have the right of safe-

Rights, privileges and immuni-



ties of the Choctaws and Chickasaws respectively.

Proviso.

Surrender of fugitives from justice.

Choctaw and Chickasaw country erected into a judicial circuit.

District court for such district, where to be held.

Jurisdiction co-extensive with limits of the district.

Laws declared to be in force.

conduct and free passage through the lands of each other; and the members of each nation shall have the right freely, and without seeking license or permission, to settle within the country of the other, and shall, thereupon, be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at all elections and of being deemed qualified to hold all offices whatever; except that no Choctaw shall be eligible in the Chickasaw Nation to the office of Chief Executive or to the Legislature: *And provided, also,* That no member of either nation shall be entitled to participate in any funds belonging to the other. Members of each nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective Legislatures.

ARTICLE XXXVI. Any person duly charged with a criminal offence against the laws of either the Choctaw or Chickasaw Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXXVII. The Choctaw and Chickasaw Nations shall promptly deliver up all persons accused of any crime against the laws of the Confederate States, or any State thereof, who may be found within their limits, on the demand or requisition of the Executive of a State, or the Executive or other proper officer of the Confederate States; and each of the Confederate States shall, on the like demand or requisition of the Executive of the Choctaw and Chickasaw Nation, promptly deliver up all persons accused of any crime against the laws of such Nation, who may be found within their limits.

ARTICLE XXXVIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences and misdemeanors as is or may be in force in the said Choctaw and Chickasaw country, and to prevent the Choctaws and Chickasaws from being further harassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district of the Confederate States to be called the Tush-ca-hou-ma District, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district, at Boggy Depot, a district court of the Confederate States, with the powers of a circuit court, so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction co-extensive with the limits of such district, in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law, and in conformity to the terms of this treaty.

ARTICLE XXXIX. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers, as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States, as provides for the punishment of crimes amounting to felony at common law or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of said laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the Provisional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Choctaw and Chickasaw Nations.

taw and Chickasaw country, and the said district court shall have exclusive jurisdiction to try, condemn and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district courts of the Confederate States.

ARTICLE XL. The said district court of the Confederate States of America, for the district of Tush-ca-hom-ma shall also have the same admiralty jurisdiction as other district courts of the Confederate States; and jurisdiction in all civil suits for fines, penalties and forfeitures of the Confederate States against any person or persons whatever residing or found within the district; and in all civil suits at law or in equity, when the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States, or any Territory of the same, or an alien or aliens a citizen or citizens of the said district, or person or persons, residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a Judge and other proper officers of the said court, and make all necessary enactments and regulations for the complete establishment and organization of the same, and to give full effect to its proceedings and jurisdiction.

Admiralty jurisdiction of the district court.  
Jurisdiction in civil cases.  
Appointment of judge and other officers of the court.

ARTICLE XLI. The trial of all offences, amounting to felony at common law or by statute, committed by an Indian of any one of the tribes or bands settled in the leased district aforesaid, against the person or property of a member of the Choctaw or Chickasaw Nation, or by one of the latter against the person or property of one of the former, shall be had in the district court of the Confederate States hereby provided for; and, until such court is established, in the district court of the Confederate States for the district, or for the western district of Arkansas.

Trial of felonies committed by certain Indians against Choctaws or Chickasaws, and vice versa.

ARTICLE XLII. The district court shall have no jurisdiction to try and punish any person for any offence committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein except by the Confederate States or one of them, where the cause of action shall have accrued more than three years before the same day of the signing hereof, or before the bringing of the suit.

The court to have no jurisdiction in cases where the offence was committed, or the cause of action accrued prior to the signing of this treaty.

ARTICLE XLIII. All persons who are members of the Choctaw or Chickasaw Nation, and are not otherwise disqualified or disabled, shall hereafter be competent witnesses, in all civil and criminal suits and proceedings in any court in the Confederate States, or any one of the States, any law to the contrary notwithstanding.

Choctaws or Chickasaws competent as witnesses

ARTICLE XLIV. Whenever any person, who is a member of the Choctaw or Chickasaw Nation, shall be indicted for any offence in any court of the Confederate States, including the district court of the Tush-ca-hom-ma district, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of service thereof, and the fees and mileage of such witnesses, shall be paid by the Confederate States, being afterwards made, if practicable, in case of conviction, out of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

When indicted in any court of the C. S. or State court entitled to process for witnesses.  
Costs of process and fees and mileage of witnesses.  
When accused may be assigned counsel.

ARTICLE XLV. The provisions of all such acts of Congress of the Confederate States as may now be in force or as may hereafter be enacted, for the purpose of carrying into effect the provision of the Constitution

Rendition of fugitive slaves.



in regard to the re-delivery or return of fugitive slaves or fugitives from labor and service, shall extend to and be in full force within the said Choctaw and Chickasaw Nations; and shall also apply to all cases of escape of fugitive slaves from the Choctaw and Chickasaw Nations, into any any other Indian nation, or into one of the Confederate States, the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

Faith and credit given to official acts of judicial officers.

Authentication of records, laws, &c.

ARTICLE XLVI. The official acts of all judicial officers in the said nations shall have the same effect and be entitled to like faith and credit everywhere, as like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nations, and the copies of the laws and judicial and other records of the said nations shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to the like faith and credit.

Existing laws, usages and customs in regard to slavery, declared binding.

ARTICLE XLVII. It is hereby declared and agreed that the institution of slavery in the said nations is legal and has existed from time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nations shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nations shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nations, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

Post-offices.

ARTICLE XLVIII. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Choctaw and Chickasaw Nations, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rate of postage and in the same manner as in the Confederate States.

Choctaws and Chickasaws to furnish a regiment to serve in the army of the C. S.

ARTICLE XLIX. In consideration of the common interests of the Choctaw and Chickasaw Nations and the Confederate States, and of the protection and rights guaranteed to the said nations by this treaty, the said nations hereby agree that they will raise and furnish a regiment of ten companies of mounted men to serve in the armies of the Confederate States for twelve months. The company officers of the regiment shall be elected by the members of each company, respectively, the Colonel shall be appointed by the President, and the Lieutenant Colonel and Major be elected by the members of the regiment. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be marched beyond the limits of the Indian country west of Arkansas against their consent.

Pay and allowances.

To pay no part of expenses of the present or any future war.

ARTICLE L. It is further agreed by the Confederate States, that neither the Choctaw nor Chickasaw Nation shall ever be called on or required to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

Troops for the defence of the Indian country and frontier of the C. S.

ARTICLE LI. The Choctaw and Chickasaw Nations hereby agree and bind themselves at any future time to raise and furnish, upon the requisition of the President, such number of troops for the defence of the Indian country and of the frontier of the Confederate States, as he may fix, not out of fair proportion to the number of their inhabitants, to be employed for such terms of service as the President may fix; and such troops shall always receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

Pay and allowances.



ARTICLE LII. It is further agreed, that after the restoration of peace, the government of the Confederate States will defend the frontiers of the Indian country of which the Choctaw and Chickasaw country is a part, and hold the forts and posts therein with native troops, recruited among the several Indian Nations included, under the command of officers of the army of the Confederate States in preference to other troops.

C. S. to defend the frontiers of the Indian country, and hold the forts and posts.

ARTICLE LIII. It is hereby ascertained and agreed by and between the Confederate States and the Choctaw Nation, that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Choctaw Nation, and bound to the punctual payment thereof in the following sums annually, on the first day of July of each year, that is to say:

Debts due by the U. S. to the Choctaw Nations:

Perpetual annuities amounting to nine thousand dollars; under the second article of the treaty of the sixteenth day of November, A. D., one thousand eight hundred and five, and the second article of the treaty of the twentieth day of January, A. D., one thousand eight hundred and twenty-five.

for perpetual annuities;

The sum of six hundred dollars per annum for the support of light horsemen, under the thirteenth article of the treaty of the eighteenth day of October, A. D., one thousand eight hundred and twenty.

for the support of light horsemen;

The sum of six hundred dollars per annum in lieu of the permanent provision for the support of a blacksmith, and the sum of three hundred and twenty dollars, in lieu of permanent provision for iron and steel, under the sixth article of the said treaty of the eighteenth day of October, A. D., one thousand eight hundred and twenty, and the ninth article of the said treaty of the twentieth day of January, A. D., one thousand eight hundred and twenty-five.

for the support of a blacksmith, and in lieu of provision for iron and steel;

The annual interest on the sum of five hundred thousand dollars, held in trust for the Choctaw Nation by the United States, under the thirteenth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five; which by that article was to be held in trust for the said nation, and to constitute part of a general Choctaw fund, yielding an annual interest of not less than five per cent. per annum; and no part thereof has been invested in stocks or bonds of any kind, but remains in the hands of the United States.

for annual interest on \$500,000 held in trust.

And it is hereby ascertained and agreed between the said Confederate States and the Choctaw Nation that there was due to the said nation, on the first day of July, A. D., one thousand eight hundred and sixty-one, for, and on account of these annuities, annual payments and interests, the sum of thirty-five thousand five hundred and twenty dollars, that is to say:

Sum due the Choctaw Nation on account of these annuities, annual payments and interests.

For the permanent annuities and other annual payments and allowances then due, ten thousand five hundred and twenty dollars.

For interest on the said sum of five hundred thousand dollars, for the year which ended on the thirtieth day of June, A. D., one thousand eight hundred and sixty-one, twenty-five thousand dollars.

And it not being desired by the Confederate States that the Choctaw Nation should continue to receive these annual sums from the government of the United States, or otherwise have any further connection or communication with that government and its superintendent and agents; therefore, the Confederate States of America do hereby assume the payment for the future of all the above recited annuities, annual payments and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the general council of the Choctaw Nation to receive the same; and they do also agree and bind

The C. S. assume the payment of the above recited annuities, annual payments and interests.

themselves to pay to the treasurer of the said nation, immediately upon the ratification by all parties of this treaty, the said sum of thirty-five thousand five hundred and twenty dollars due on the first day of July of the present year, as aforesaid.

General Choctaw  
fund held in trust  
by the U. S.

ARTICLE LIV. And it is further ascertained and agreed, between the Confederate States and the Choctaw Nation, that the United States of America, while the said several Confederate States were included in the said Union, held, and do continue to hold, in their hands the sum of five hundred thousand dollars, paid by the Chickasaw Nation to the United States, for the Choctaw Nation, under the treaty of the seventeenth day of January, A. D., one thousand eight hundred and thirty-seven, and which it was agreed by that treaty should be invested in some safe and secure stocks under the direction of the government of the United States, redeemable within a period of not less than twenty years, and the interest thereon be annually paid to the Choctaw Nation, and be subject to the entire control of the general council; and which sum having been invested in bonds or stocks of certain States, part or all whereof are now members of the Confederate States, it was agreed by the United States, by the thirteenth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, that the same should continue to be held in trust by the United States, and constitute with certain other sums, a general Choctaw fund, yielding an annual interest of not less than five per cent.

Other moneys  
due and owing  
from the U. S. to  
Choctaw Nation.

And it being further agreed that, in addition to the sums of money above mentioned, other moneys were justly due and owing from the United States of America when the Confederate States were parts thereof, and still continue due and owing and unpaid to the said Choctaw Nation, in part appropriated and in part unappropriated, by the Congress of the United States, under existing treaties;

The U. S. assume  
the duty and obli-  
gation of collecting  
and paying over,  
as trustees, to the  
Choctaw Nation,  
all sums of money  
due on the bonds  
of the several  
States of this Con-  
federacy held in  
trust by the U. S.  
for the said nation.

Therefore the Confederate States do hereby assume the duty and obligation of collecting and paying over as trustees, to the said Choctaw Nation all sums of money accruing, whether from interest or capital of the bonds of the several States of the Confederacy, or of any bonds or stocks guaranteed by either of them, now held by the government of the United States in trust for the Choctaw Nation, and will pay over to the said nation the said interest and capital as the same shall be collected. And the said Confederate States will request the several States of the Confederacy whose bonds or stocks, or any bonds or stocks guaranteed by them are so held, to provide by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the government of the United States, but to the government of the Confederate States in trust for the Choctaw Nation.

Full payment of  
all debts due by  
the late U. S. to the  
Choctaw Nation,  
guaranteed by the  
U. S. to the said  
nation, after the  
restoration of  
peace.

And the said Confederate States do hereby guarantee to the Choctaw Nation, the final settlement and full payment upon and after the restoration of peace, and the establishment and recognition of their independence, as of debts, in good faith and conscience as well as in law, due and owing, on good and valuable consideration by the said Confederate States, and the other of the United States, jointly, before the secession of any of the States, of all sums of money that are so as aforesaid justly due and owing, by the late United States under existing treaties, to the Choctaw Nation or people, for itself, or in trust for individuals, and of any sums received by that government and now held by it by way of interest on or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Choctaws had been invested; and do also guarantee to it the final settlement and full payment at the same period, of the capital and interest of all bonds or stocks of any of

Also of all bonds  
or stocks of any of  
the Northern  
States in which the



the Northern States, in which any of the said Choctaw funds may have been invested. Choctaw funds may have been invested.

ARTICLE LV. All the said annuities, annual payments, and interest and the arrearages thereof, shall be applied, under the exclusive direction of the general council of the Choctaw Nation, to the support of their government, to the purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare, and happiness of the Choctaw people and their descendants, as shall to the general council seem good; and the capital sums of five hundred thousand dollars each shall be invested or re-invested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Choctaw Nation, to be invested by its authorities or otherwise used, applied and appropriated, as its legislature may direct; and the other moneys due and owing to the said nation, and payment whereof is hereby guaranteed, shall be used, applied and appropriated by the Choctaw Nation in accordance with treaty stipulations, and so as to maintain, unimpaired, the good faith of the Choctaw Nation to those for whom it will thus become trustee. And no department or office of the government of the Confederate States shall have power to impose any conditions, limitations or restrictions, on the payment to the said nation of any of said annual sums or arrearages of the said capital sums of five hundred thousand dollars each, or in any wise to control or direct the mode in which such moneys, when received by the authorities of the nation, shall be disposed of or expended. Nor shall any appeal lie to any department, bureau or officer of the Confederate States from the decision of the general council of the Choctaw Nation or of any committee, court or tribunal to which it may commit the adjudication, by any person or persons from any decision that may be rendered under the twelfth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, adverse to the justice and equity of any claim presented as one of those which, under that article, the Choctaw Nation became liable and bound to pay; but the adjudication and decision of the Legislature, or of any committee, court, or tribunal, to which it may entrust the investigation or decision, against any such claim shall be absolutely final. To what purposes the annuities, and other funds to be applied

No condition or restriction to be imposed on the payment to the Choctaw Nation of any of said funds.

No appeal to lie from the decision of any competent tribunal of the Choctaw Nation under article XII of the treaty of June 22, 1855 adverse to claims preferred under said article.

ARTICLE LVI. It is hereby ascertained and agreed by and between the Confederate States and the Chickasaw Nation, that the United States of America, of which the Confederate States were heretofore a part, were before the separation, indebted and still continue to be indebted to the Chickasaw Nation, and bound to the punctual payment thereof in the following amounts annually on the first day of July, in each year, that is to say: Permanent annuity of three thousand dollars, under the act of Congress of the United States, approved on the — day of — A. D., one thousand seven hundred and ninety. Ann uities and interest due from the U. S. to the Chickasaw Nation.

The annual interest, at six per cent., on the sum of two hundred and seventy-six thousand seven hundred and eighty-one dollars and fifty-seven cents, the amount of so much of the United States six per cent. loans in which the funds of the Chickasaw Nation were invested, under the third and eleventh articles of the treaty of the 24th day of May, A. D., one thousand eight hundred and thirty-four.

And the annual interest, at six per cent., on the further sum of one hundred thousand dollars, the principal of that amount of Ohio six per cent. stock, in which part of the Chickasaw fund had been invested, under the same articles of the same treaties, and which was paid into the treasury of the United States, on the ninth day of January, A. D., one thousand eight hundred and fifty-seven, to the credit of the treasurer of the United



States, and having been duly covered into the treasury on the fourteenth day of January in that year, there still remains.

And it is also hereby ascertained and agreed, between the said Confederate States and the Chickasaw Nation, that there was due to the said nation, on the first day of July, one thousand eight hundred and sixty-one, for and on account of the said annuity and interest, the sum of twenty-five thousand six hundred and six dollars and eighty-nine cents.

The payment of annuities and interest assumed by the U. S.

And it not being desired by the Confederate States that the Chickasaw Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any communication or connection with that Government, its superintendent and agents, therefore, the Confederate States of America do hereby assume the payment, for the future, of the above recited annuity and interest, and do agree and bind themselves regularly and punctually to pay the same to the treasurer of the said nation, or to such other person or persons as shall be appointed by the Legislature of the Chickasaw Nation to receive the same; and they do also agree and bind themselves to pay to the treasurer of the said nation, immediately upon ratification by all parties of this treaty, the sum of twenty-five thousand six hundred and six dollars and eighty-nine cents, due on the first day of July of the present year, as aforesaid.

Moneys arising from the sales of lands ceded to the U. S. by the Chickasaw Nation.

ARTICLE LVII. Whereas, it was agreed between the United States and the Chickasaw Nation, by the third article of the treaty made between them on the twentieth day of October, A. D., one thousand eight hundred and thirty-two, that as a full compensation to the Chickasaw Nation for the country ceded to the United States by that treaty, the United States would pay over to the said nation all the moneys arising from the sales of lands so ceded, after deducting therefrom the whole cost and expenses of surveying and selling the lands, including every expense attending the same;

Investment of funds resulting from entries and sales of lands, in stocks.

And, whereas, by the eleventh article of the treaty of the twenty-fourth day of May, A. D., one thousand eight hundred and thirty-four, between the United States and the Chickasaw Nation, it was agreed that all funds resulting from all entries and sales of such lands, after deduction of the expenses of surveying and selling, and other advances made by the United States, should, from time to time, be invested in some secure stocks, redeemable within a period of not more than twenty years, the interest whereon the United States should cause to be annually paid to the Chickasaws;

National fund of the Chickasaws held in trust by the U. S.

And, whereas, by the fifth article of the treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-two, it was agreed between the United States and the Chickasaw Nation, that the United States should continue to hold in trust the national fund of the Chickasaws, and constantly keep the sum invested in safe and profitable stocks, the interest of which should be annually paid to the Chickasaw Nation;

Sums arising from the sales of their lands that were invested by the U. S. in funds and stocks of certain of the States.

And, whereas, it is now, by the Confederate States and the Chickasaw Nation, ascertained and agreed that the following sums, part of the said fund of the Chickasaws arising from the sales of their lands were invested by the United States, while the Confederate States were part thereof, in bonds and stocks of certain of the States, in manner following, that is to say:

In the five per cent. stock of the State of Indiana, two hundred and ten thousand dollars;

In six per cent. stock of the State of Maryland, fourteen thousand four hundred and ninety-nine dollars and seventy-five cents;

In six per cent. stock of the State of Tennessee, one hundred and seventy thousand six hundred and sixty-six dollars and sixty-six cents;

In six per cent. stock of the State of Arkansas, ninety thousand dollars, on which no interest has been paid since the first day of July, A. D., one thousand eight hundred and forty-two;

In six per cent. stock of the State of Illinois, seventeen thousand dollars;

In six per cent. stock of the Richmond and Danville Railroad, guaranteed by the State of Virginia, one hundred thousand dollars;

And in six per cent. stock of the Nashville and Chattanooga Railroad, guaranteed by the State of Tennessee, five hundred and twelve thousand dollars.

And it being claimed by the Chickasaws that all the moneys received by the United States from the sales of their lands, after deduction of proper disbursements out thereof, have not been invested, that they have been charged with losses and expenses which should properly have been borne by the United States, and that in many cases moneys held in trust by the United States for the benefit of the orphan and incompetent Chickasaws, had been wrongfully paid out to persons having no right to receive the same; in consequence of which complaints, then as now made, it was agreed by the fourth article of the treaty between the same parties, of the twenty-second day of June, A. D., one thousand eight hundred and fifty-two, that an account should be stated as soon thereafter as practicable, under the direction of the Secretary of the Interior, exhibiting in detail all the moneys that had, from time to time, been placed in the Treasury to the credit of the Chickasaw Nation, resulting from the said treaties of the years, one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-four, and all the disbursements made therefrom; and that to the account so stated, the Chickasaws should be entitled to take exceptions, which should be referred to the Secretary of the Interior, who should adjudicate the same according to the principles of law and equity, and his decision should be final; and it was also, by the same article, agreed that the cases of wrongfully made payments should be investigated by the Congress of the United States, under the direction of the Secretary of the Interior, and if any person had been defrauded by such payments, the United States should account for the amounts so misapplied, as if no such payment had been made;

Therefore, the Confederate States do hereby assume the duty and obligation of collecting and paying over, as trustees, to the said Chickasaw Nation, at par, and dollar for dollar, all sums of money accruing, whether from interest or capital, of the said bonds or stocks of the said States of the Confederacy, or of stocks guaranteed by them, so held by the Government of the United States in trust for the Chickasaw Nation, and will pay over to the said nation the said interest and capital, as the same shall be collected. And the said Confederate States shall request those States to provide, by legislation or otherwise, that the capital and interest of such bonds or stocks shall not be paid to the Government of the United States, but to the Government of the Confederate States, in trust for the Chickasaw Nation.

And the said Confederate States do hereby guarantee to the said Chickasaw Nation, the final settlement and full payment, upon, and after the restoration of peace, and the establishment of their independence, as of debts of good faith and conscience, as in law due and owing, on good and valuable consideration, by the said Confederate States and the other of the United States, jointly, before the secession of any of the States, of all sums of money received by that Government from the sales of the Chickasaw lands, or otherwise, however, in trust for the Chickasaw Nation, or individuals thereof, and which remain uninvested, or which it expended in unwarranted disbursements, or in the payment of charges or expenses not properly chargeable to the Chickasaws; for the ascertainment whereof such account shall be taken, after the restoration of peace, by or under the direction of the Commissioner of Indian Affairs, as was directed by

Stating of account between the U. S. and the Chickasaws, of all moneys placed in the Treasury to the credit of the Chickasaw Nation, and all disbursements made therefrom.

Exceptions to account.

The U. S. to account for sums misapplied.

The C. S. assume the obligation of collecting paying over as trustees, to the Chickasaw Nation, all sums of money held by the U. S. in trust for the said nation.

Final settlement and full payment of all sums of money received by the U. S. from the sales of the Chickasaw lands or otherwise, guaranteed by the C. S. to the Chickasaw Nation, after the restoration of peace.

Account to be taken under the direction of the

Commissioner of the fourth article of the treaty of the twenty second day of June, A. D., Indian Affairs. one thousand eight hundred and fifty two, and in accordance with the legal rules of stating accounts of trust funds and investments.

Final settlement and full payment, also guaranteed, of moneys belonging to orphans or incompetent persons; And the Confederate States also hereby guarantee to the Chickasaw Nation, the final settlement and full payment, at the same period, of all moneys belonging to orphans or incompetent persons, or to other Chickasaws, and wrongfully paid by the United States to persons unauthorized to receive them, and for that reason, or for any other not yet paid to the proper persons, under the same fourth article of the treaty last mentioned, as qualified and limited by the *proviso* added thereto by way of amendment, or under article ten of the said treaty; which cases shall be investigated by the Commissioner of Indian Affairs or by the agent under his direction;

also of sums invested in U. S. stocks, and of any other sums received by that government; And they also guarantee to it the final settlement and full payment, after the same period, of the said sums invested in United States stocks, and the said sum of one hundred thousand dollars, so covered into the Treasury on the fourteenth day of January, A. D., one thousand eight hundred and fifty-seven; and of any other sums received by that Government, and now held by it, by way of interest on, or as part of the capital of any of the bonds or stocks of any of the States wherein any funds of the Chickasaws had been invested; and they do also guarantee to it the final settlement and full payment, at the same period, of the capital and interest of all bonds or stocks of any of the Northern States, in which any of said Chickasaw funds have been invested.

and of all bonds or stocks of any of Northern States.

Annuities, interest and arrearages hereby assumed and agreed to be paid by the Confederate States, shall be applied, under the exclusive direction of the Legislature of the Chickasaw Nation, to the support of their Government, to purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare and happiness of the Chickasaw people and their descendants, as shall to the Legislature seem good; and the capital, in full, of all the said bonds and stocks of States, corporations, and the principal of moneys due by the United States shall be invested or re-invested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Chickasaw Nation, to be invested by its authorities, or otherwise used, applied, and appropriated, as its Legislature may direct; without any control or interference on the part of any department, bureau, or officer of the Confederate States.

Re-investment of the capital of the bonds and stocks of States, &c., and the principal of moneys due by the U. S. ARTICLE LVIII. It is further hereby agreed, that the said annuity, interest and arrearages hereby assumed and agreed to be paid by the Confederate States, shall be applied, under the exclusive direction of the Legislature of the Chickasaw Nation, to the support of their Government, to purposes of education, and to such other objects, for the promotion and advancement of the improvement, welfare and happiness of the Chickasaw people and their descendants, as shall to the Legislature seem good; and the capital, in full, of all the said bonds and stocks of States, corporations, and the principal of moneys due by the United States shall be invested or re-invested, after the restoration of peace, in stocks of the States, at their market price, and in such as bear the highest rate of interest, or be paid over to the Chickasaw Nation, to be invested by its authorities, or otherwise used, applied, and appropriated, as its Legislature may direct; without any control or interference on the part of any department, bureau, or officer of the Confederate States.

When the C. S. may pay claims out of the Chickasaw funds. ARTICLE LIX. It is hereby further agreed, that no claim or account shall hereafter be paid by the Government of the Confederate States out of the Chickasaw funds, unless the same shall have first been considered and allowed by the Chickasaw Legislature.

Boundary line between the Choctaw and Chickasaw country and the State of Arkansas. ARTICLE LX. Whereas, by the first article of the treaty between the United States of America and the Choctaw and Chickasaw Nations, on the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, it was provided that the boundary of the Choctaw and Chickasaw country should begin "at a point on the Arkansas river, one hundred paces east of old Fort Smith, where the western boundary of the State of Arkansas crosses the said river," and run thence "due south to Red river," which also was the line of boundary fixed by the treaties of the twentieth day of January, A. D., one thousand eight hundred and twenty five, and the twenty-seventh day of September, A. D., one thousand eight hundred and thirty; and, whereas, when the said line was originally run between the State of Arkansas and the Choctaw Nation it was erroneously run to the westward of a due south line from that point of beginning on the Arkansas river; and, whereas, when the said line was again run, by the



United States, after the making of the said treaty of the twenty-second day of June, A. D., one thousand eight hundred and fifty-five, it was arbitrarily ordered by the Secretary of the Interior, in violation of the said treaties, that the said line should not be run due south, in accordance therewith, but that the old erroneous line should in lieu thereof be retraced, and the same was accordingly done, thus leaving within the limits of the State of Arkansas a strip of country belonging to the Choctaw and Chickasaw Nations, in the shape of a triangle having Red river for its base; and, whereas, all the lands contained therein that are of any value, were sold or granted by the United States, and are chiefly held and have been improved by private individuals; it is therefore agreed by the Confederate States and the said Choctaw and Chickasaw Nations that the said line so run and retraced shall be perpetuated as the line between the Choctaw and Chickasaw country and the State of Arkansas, and that the said triangular tract of land shall belong to, and continue to form an integral part of that State; and all titles to lands therein, from and under the United States, be confirmed; and it is further agreed, that in consideration thereof, the said Choctaw and Chickasaw Nations shall, upon the restoration of peace, and the establishment and recognition of the independence of the Confederate States, be paid by them the fair value of the lands included in said tract, in their natural state and condition, and unimproved, and of all the salt springs therein, at the date of the said treaty of the year of our Lord, one thousand eight hundred and fifty-five, and without interest; which fair actual value shall be ascertained by a commission of four persons, two of whom shall be appointed by the President of the Confederate States, one by the Choctaw Legislature, and one by the Chickasaw Legislature, and the expenses of which commission shall be borne by the Confederate States.

Payment to be made to the Choctaw and Chickasaw Nations for their lands in the State of Arkansas, and the salt springs therein.

The value thereof, how ascertained.

ARTICLE LXI. It is further agreed, that if the present war continues, the Confederate States will, upon the request of the Executive of the Choctaw and Chickasaw Nations respectively, advance to the Choctaw Nation the sum of fifty thousand dollars, and to the Chickasaw Nation two thousand dollars, in discharge of so much of the moneys due to each respectively, by the United States, and will invest each sum in the purchase for each nation respectively, of such arms and ammunition as shall be specified by the Executive.

Advancement by the C. S. to the said nations.

Investment of sums advanced in arms and ammunition.

ARTICLE LXII. All provisions of the treaties made by the Choctaws and Chickasaws, or either, with the United States, under which any rights or privileges were secured or guaranteed to the Choctaw or Chickasaw Nation, or to individuals of either, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not repealed, annulled, changed, or modified, by subsequent treaties or statutes, or by this treaty, are continued in force as if the same had been made with the Confederate States.

Certain provisions of the treaties of the Choctaws and Chickasaws with the U. S. continued in force as if made with the C. S.

ARTICLE LXIII. It is further agreed that the sum of two thousand dollars shall be appropriated and paid by the Confederate States, immediately upon the ratification of this treaty, to defray the expenses of the delegations of Choctaws and Chickasaws by whom this treaty has been negotiated, and that the same shall be paid over to R. M. Jones, and by him equally divided among the members of the said delegations.

\$2,000 to be paid by the C. S., upon the ratification of this treaty.

ARTICLE LXIV. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Choctaw or Chickasaw Nation, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with any such offence shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, be discharged; and the Confederate States will espe-

General amnesty declared.

States of Arkansas and Texas to be requested to grant like amnesty. chially request the States of Arkansas and Texas to grant the like amnesty as to all offences committed by Choctaw or Chickasaw against the laws of those States respectively, and the Governor of each to reprieve or pardon the same, if necessary.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth  
 { SEAL. } now hereunto set his hand and affix the seal of his arms, and the undersigned Commissioners, with full powers of the Choctaw and Chickasaw Nations, do hereunto set their hands and affix their seals.

Done in triplicate, at the place and upon the day, in the year, first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States.*

R. M. Jones,	Alfred Wade,	McKee King,
Sampson Folsom,	Coleman Cole,	William King,
Forbis Leflore,	James Riley,	John P. Turnbull,
Geo. W. Harkins, jr.,	Rufus Folsom,	William Bryant.
Allen Wright,	William B. Pitchlynn,	

*Commissioners of the Choctaw Nation.*

Edmund Pickens,	Henry C. Colbert,	A. Alexander,
Holmes Colbert,	James McM. Lish,	Wilson Frazier,
James Gamble,	Martin W. Allen,	C. Columbus,
Joel Kemp,	John M. Johnson,	Ashlatobbe,
William Kemp,	Samuel Colbert,	John E. Anderson.
Winchester Colbert,		

*Commissioner of the Chickasaw Nation.*

Signed, sealed and copies exchanged in our presence, July 12, 1861.

Wm. Quesenbury,	W. L. Pike,
<i>Secretary to the Com'r,</i>	Wm. H. Faulkner.
W. Warren Johnson,	

Dec. 20, 1861.

## RATIFICATION.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a treaty, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Choctaw and Chickasaw Nations of Indians, by their respective Commissioners thereunto appointed and elected, of the other part, concluded at the North Fork Village, on the north fork of the Canadian river, in the Creek Nation, on the twelfth day of July, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Amendments.

## AMENDMENTS:

I. Strike out from article xxvii. the words, "to the same rights and privileges as may be enjoyed by delegates from any Territory of the Confederate States," and insert in lieu thereof, the following words: "to a seat in the Hall of the House of Representatives, to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

II. Strike out from article xxviii. the following words: "the whole Choctaw and Chickasaw country, as above defined, shall be received and admitted into the Confederacy as one of the Confederate States, on equal terms, in all respects, with the original States, without regard to population, and—" and insert in lieu thereof, the following words: "the application of the said nations to be admitted as a State into the Confederacy, on equal terms, in all respects, with the original States, shall be referred to and considered by the Congress of the Confederate States, by whose act alone, under the Constitution, new States can be admitted, and whose consent it is not in the power of the President of the present Congress to guarantee in advance, and, if the Congress shall assent to such admission, the whole Choctaw and Chickasaw country, as above herein defined, shall constitute the State so admitted, and in case of such admission."

III. Strike out from article xliii. the following words: "or of any one of the States," and add at the end of this article the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their several courts."

IV. Strike out from article xliv. the following words: "or in a State court," and insert in lieu thereof, the following words: "or in a State court subject to the laws of the State."

V. Strike out from the fourth paragraph of article lvii., in the phrase "two hundred and ten thousand dollars," the word "ten," and insert in lieu thereof, the word "two."

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Choctaw and Chickasaw Nations, respectively.



# TREATY WITH THE SEMINOLE NATION.

AUGUST 1ST, 1861.

## A TREATY OF FRIENDSHIP,

Aug. 1, 1861.

*Made and concluded at the Seminole Council House in the Seminole Nation, west of Arkansas, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner, with plenary powers, of the Confederate States, of the one part, and the Seminole Nation of Red men, by its Chiefs, head men and warriors, in General Council assembled, of the other part :*

Preamble.

The Congress of the Confederate States of America, having, by "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of the said nations and tribes under treaties made with them by the United States of America ; and the Seminole Nation of Red men having assented thereto upon certain terms and conditions ;

Now, therefore, the said Confederate States of America, by Albert Pike, their Commissioner, appointed by the President, under authority of the act of Congress in their behalf, with plenary powers for these purposes, and the Seminole Nation, in General Council assembled, have agreed to the following articles, that is to say :

Perpetual peace  
and friendship.

ARTICLE I. There shall be perpetual peace and friendship between the Confederate States of America and all of their States and people and the Seminole Nation of Red men and all its towns and individuals.

The Seminole  
Nation acknow-  
ledges itself to be  
under the protec-  
tion of the C. S.

ARTICLE II. The Seminole Nation of Red men acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever, and doth hereby stipulate and agree with them that it will not hereafter, nor shall any of its towns or individuals, contract any alliance, or enter into any compact, treaty or agreement with any individual State, or with a foreign power : *Provided*, That it may make such compacts and agreements with neighboring nations and tribes of Indians, for their mutual welfare and the prevention of difficulties as may not be contrary to this treaty or inconsistent with its obligations to the Confederate States ; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Seminole Nation as their ward ; and by the consent of the said Seminole Nation now here freely given, the country whereof it is pro-

Proviso.

The C. S. as-  
sume the protec-  
torate of said na-  
tion.

prietor in fee, as the same is hereinafter defined, is annexed to the Confederate States, in the same manner and to the same extent as if it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under statutes of the United States of America.

The Seminole's country annexed to the U. S.

ARTICLE III. The following shall constitute and remain the boundries of the Seminole country, viz: beginning on the Canadian river, a few miles east of the ninety-seventh parallel of west longitude where Ok-hai-ap-po or Pond creek empties into the same; thence due north to the north fork of the Canadian; thence up the said north fork of the Canadian to the southern line of the Cherokee country; thence with that line, west, to the one hundredth parallel of west longitude, thence south along said parallel of longitude to the Canadian river; and thence down and with that river to the place of beginning.

Boundaries.

ARTICLE IV. The Seminole Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all the reversionary and other interest, right, title and proprietorship of the United States in, unto and over the Indian country in which that of the said nation is included, should pass to and vest in the Confederate States; and whereby the President of the Confederate States was authorized to take military possession of all said country; and whereby all the laws of the United States, with the exception thereafter made, applicable to, and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Seminole Nation, among others were re-enacted, continued in force, and declared to be in force in said country, as laws and statutes of the said Confederate States: *Provided, however,* And it is hereby agreed between the said parties that whatever in the said laws of the United States contained, is or may be contrary to or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent thus qualified and conditioned, shall relate to, and be taken to have been given upon the said day of the approval of the said act of Congress.

Assent of the Seminole Nation to the act of May 21, 1861, for the protection of certain Indian tribes.

Proviso.

ARTICLE V. The Confederate States of America do hereby solemnly guarantee to the Seminole Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in the preceding article of this treaty; to be held by the people of the said nation in common, as they have heretofore been held so long as grass shall grow and water run, if the said nation shall so please, but with power of making partition thereof and disposition of the same by laws of the nation duly enacted; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please the nation of its own free will and accord and without solicitation from any quarter to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other conditions, reservations or restrictions whatever, than such as are hereinafter specially expressed.

Guarantee of lands to the Seminole Nation included within the boundaries defined

Power to dispose of said lands or make partition thereof.

**Lands not to be disposed of to any foreign power, State or Government.** ARTICLE VI. None of the said lands hereby guaranteed to the Seminole Nation shall be sold, ceded, or otherwise disposed of to any foreign power, or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

**Country ceded to the Seminole Nation by the treaty of Aug. 7, 1856, not to be disposed of without the consent of both the Creek and Seminole Nations.** ARTICLE VII. It is further hereby agreed and stipulated, that no part of the tract of country hereinbefore guaranteed to the Seminole Nation, being the same that was ceded to it by the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, between the United States of America and the Creek and Seminole Nations of Indians, shall ever be sold or otherwise disposed of without the consent of both of said nations being legally given.

**No State or Territory to pass laws for the Government of the Seminole Nation.** ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves, that no State or Territory shall ever pass laws for the Government of the Seminole Nation; and that no portion of the country hereby guaranteed to it shall ever be embraced or included within

**Seminole Nation not to be incorporated into any other territorial or political organization.** or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of the said nation, to erect the said country, by itself or with any other, into a State, or any other territorial or political organization, or to incorporate it into any State previously created.

**Unrestricted right of self-government and full jurisdiction over persons and property, guaranteed.** ARTICLE IX. So far as may be compatible with the Constitution of the Confederate States, and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are limited and modified by this treaty, the Seminole Nation shall possess the otherwise unrestricted right of self-government, and full jurisdiction, judicial and otherwise, over persons and property within its limits, excepting only such white persons as are not, by birth, adoption or otherwise, members of either the Seminole or Creek Nation; and that

**Exception.**

**Membership defined.** there may be no doubt as to the meaning of this exception, it is hereby declared that every white person who, having married a Seminole or Creek woman, resides in the said Seminole country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken as a member of the said nation, within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person and property of another Indian shall be so extended and enlarged by virtue of this article when ratified, and without further legislation, as that none of said laws shall extend or apply to any offence committed by any Indian, or negro, or mulatto, or by any such white person, so by birth, adoption, or otherwise, a member of the Seminole or Creek Nation against the person or property of any Indian, negro, or mulatto, or any such white person, when the same shall be committed within the limits of the said Seminole Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Seminole Nation, and to prosecution and trial before its tribunals, and to punishment according to such laws in all respects like native members of the said Nation.

**Intruders to be kept out of the country.** ARTICLE X. All persons who are not members of either the Seminole or Creek Nation found in the Seminole country as hereinbefore limited, shall be considered as intruders, and be removed and kept out of the same, either by the civil officers of the nation under the direction of the Executive, or the General Council, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to

**Exceptions.**



say: such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably traveling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the Seminoles or Creeks with the assent of the agent of the Confederate States to reside within their respective limits without becoming members of either of said tribes.

ARTICLE XI. A tract of two sections of land, to be laid off under the direction of the President of the Confederate States, and to include the site of the present Seminole agency, whereon the public buildings of that agency have been erected, is hereby reserved to the Confederate States and not included in the guarantee of lands aforesaid, but shall be within the sole and exclusive jurisdiction of the Confederate States, except as to members of the Seminole or Creek Nation as above defined, all offences committed by whom thereon shall be punished by the laws and courts of the Seminole Nation whenever they would be so punished if committed elsewhere in the nation: *Provided*, That whenever the agency for the said nation shall be discontinued by the Confederate States, and an agent no longer appointed, the said tract of two sections of land shall pass to and vest absolutely in the Seminole Nation in the same manner as its other lands with all the buildings that may be thereupon.

Reservation of  
lands for Indian  
agency.

Proviso.

ARTICLE XII. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and to make and maintain such military and post-roads as the President may deem necessary in the Seminole country; and the quantity of one mile square of land, including each fort or post, shall be reserved to the Confederate States, and within their sole and exclusive jurisdiction, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Seminole Nation, or any property of the nation itself, other than land, timber, stone and earth, be taken, destroyed or injured, just and adequate compensation shall be made by the Confederate States.

Reservation of  
lands for forts,  
military posts and  
post-roads.

ARTICLE XIII. The Confederate States, or any company incorporated by them, or any one of them, shall have the right of way for railroads or telegraph lines through the Seminole country; but in the case of any incorporated company, it shall have such right of way only upon such terms and payment of such amount to the Seminole Nation as may be agreed upon between it and the National Council thereof; or, in case of disagreement, by making full compensation, not only to individual parties injured, but also to the nation for the right of way; all damage and injury done to be ascertained and determined in such manner as the President of the Confederate States shall direct. And the right of way granted by said nation for any railroad, shall be perpetual, or for such shorter term as the same may be granted, in the same manner as if no reversion of their lands to the Confederate States were provided for, in case of abandonment by them, or of extinction of their tribe.

Right of way for  
railroads or tele-  
graph lines.

ARTICLE XIV. No person shall settle, farm or raise stock within the limits of any post or fort, or of the agency, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as being subject to the jurisdiction and laws of the Seminole Nation are permitted by the commanding officer of the post or fort, or by the agent to do so upon the reserve.

Settling, farm-  
ing, or raising  
stock within cer-  
tain limits, pro-  
hibited.

ARTICLE XV. The Confederate States shall protect the Seminoles from domestic strife, from hostile invasion, and from aggression by other

Protection from  
domestic strife

hostile invasion or aggression.

Indians and white persons, not subject to the jurisdiction and laws of the Seminole Nation; and from all inquiries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured out of the Treasury of the Confederate States upon the same principle, and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions committed upon them by Indians.

License to trade with the Indians.

ARTICLE XVI. No person shall hereafter be licensed to trade with the Seminoles, except by the agent, and with the advice and consent of the National Council, which advice and consent, however, shall not be necessary, in the case of traders now trading under license, until the expiration of the year one thousand eight hundred and sixty-two.

Trader to execute bond.

Every licensed trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the Bureau of Indian Affairs; and no appeal shall hereafter lie to any officer whatever, from the decision of the agent refusing license to any applicant.

No appeal from decision refusing license.

Licensed traders to pay annual compensation for land and timber used by them.

ARTICLE XVII. All persons licensed by the Confederate States to trade with the Seminoles shall be required to pay to the authorities of the Seminole Nation a moderate annual compensation for the land and timber used by them, the amount of such compensation in each case to be assessed by the proper authorities of the said Seminole Nation, subject to the approval of the Confederate States agent therefor.

No license to be granted to trader who is in arrear.

ARTICLE XVIII. It is further hereby agreed, that no license shall hereafter be granted to any trader who is in arrear on account of any amount legally assessed to be paid by him as compensation for land and timber used, and that any license hereafter granted shall be revoked on failure or refusal to pay, in due time, the amount that may be therefore

When license may be revoked.

legally assessed in any years. And when a renewal of license is refused any trader, he shall nevertheless be entitled, if he be not a dangerous or improper person, to remain in the Seminole country such reasonable length of time as may, in the opinion of the agent, be necessary for the purpose of collecting such debts as may be due him, being during such time under the protection of the laws of the Confederate States, as a person peaceably sojourning in the country.

How long trader to whom renewal of license has been refused, to remain in the country.

Removal of restrictions upon the right to sell personal property.

ARTICLE XIX. All restrictions or limitations heretofore imposed or existing by treaty, law or regulation upon the right of any member of the Seminole Nation freely to sell and dispose of to any person whatever, any chattel or article of personal property whatever are hereby removed and annulled, except such as the laws of the nation itself may have created.

Appointment of agent and interpreter.

ARTICLE XX. An agent of the Confederate States and an interpreter shall continue to be appointed for the Seminole Nation, both of whom

Where to reside.

shall reside at the agency; and whenever a vacancy shall occur in either

Vacancy in said offices, how filled.

of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same, and no one shall be appointed

How agent may be removed.

against whom they in good faith protest; and the agent may be removed on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon investigation, that there is sufficient cause for such removal.

What Indians may reside in the Seminole country.

ARTICLE XXI. The Seminole Nation may, by act of its legislative authorities, receive and incorporate in itself as members of the nation, or permit to settle and reside upon the national lands such Indians of

Sale or lease of lands to such Indians.

any other tribe as to it may seem good; and may sell to such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price of such sales or leases; and it alone shall determine who are members and citizens of the



nation, entitled to vote at elections, hold office or share in annuities, or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of the Seminole Nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Seminoles themselves. But no Indians other than Seminoles and Creeks, not now settled in the Seminole country, shall be permitted to come therein to reside, without the consent or permission of the legislative authority of the nation.

The Seminole Nation alone to determine who are members and citizens of the nation entitled to vote, hold office, &c.  
Proviso.

ARTICLE XXII. If any citizen of the Confederate States, or any other persons, not being permitted to do so by the authorities of said nation, or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Seminole Nation, he shall forfeit the protection of the Confederate States, and such punishment shall be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.

Penalty for settling upon lands of the Seminole Nation without permission.

ARTICLE XXIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Seminole Nation under the penalty of one dollar per head, for all so pastured, to be collected by the authorities of the nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Seminole country; and to drive their stock to market or otherwise, through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose. It is also further agreed, that the members of the Seminole Nation shall have the same right of travelling, driving stock, and halting to recruit the same in any of the Confederate States.

Citizens of the C. S. not to pasture stock on Seminole lands.

Right of travelling, driving stock and halting to recruit the same.

ARTICLE XXIV. The officers and people of the Seminole and Creek Nations respectively, shall have, at all times, the right of safe conduct through the lands of each other; and the members of each nation shall have the right, freely and without seeking license or permission, to settle within the country of the other, and shall thereupon be entitled to all the rights, privileges and immunities of members thereof, including the right of voting at all elections, and being deemed qualified to hold office, and excepting only that no member of either nation shall be entitled to participate in any funds belonging to the other nation. Members of either nation shall have the right to institute and prosecute suits in the courts of the other, under such regulations as may, from time to time, be prescribed by their respective legislatures.

Personal and political rights, privileges and immunities of the Seminoles and Creeks.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of either the Seminole or Creek Nation, and escaping into the jurisdiction of the other, shall be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed.

Fugitives from justice to be surrendered.

ARTICLE XXVI. The Seminole Nation shall promptly apprehend and deliver up all persons accused of any crime against the laws of the Confederate States or any State thereof, who may be found within its limits, on demand of any proper officer of a State of the Confederate States; and the authorities of each of said States shall in like manner deliver up, on demand of the Executive authority of the Seminole Nation, any person subject to the jurisdiction of the tribunals of such nation, and accused of any crime against its laws.

Apprehension and surrender of persons accused of crime.

ARTICLE XXVII. In addition to so much and such parts of the acts of Congress of the United States, enacted to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers, as may have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the law of the Confederate States as provide for the punishment of

Laws in force in the Seminole country defined.



crimes amounting to felony at common law, or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the Confederate States or of the United States, or the securities of the Confederate States, or in uttering counterfeit coin or securities, and so much of such laws as provides for the punishment of violators of neutrality laws and resistance to the process of the Confederate States and all the acts of the Provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable, shall hereafter be in force in the Seminole country.

Any member of the Seminole Nation indicted in any court of the C. S. entitled to process for witnesses.

Costs of process and fees and mileage of witnesses paid by the C. S.

When accused may be assigned counsel.

Law in regard to the rendition of fugitive slaves or fugitives from labor, extended to the Seminole Nation.

Persons of the Seminole Nation made competent witnesses in cases in the C. S. courts.

May take hold and pass lands by purchase or descent, and sue and implead in any of the courts of the C. S.

Effect of official acts of judicial officers in said nation.

Authentication of records and laws.

Existing laws, usages and cus-

ARTICLE XXVIII. Whenever any person who is a member of the Seminole Nation shall be indicted for any offence in any court in the Confederate States, or in a State court, he shall be entitled as of common right to subpoena, and if necessary, compulsory process for all such witnesses in his behalf as his council may think material for his defence; and the costs of process for such witnesses and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in the case of conviction, of the property of the accused. And whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

ARTICLE XXIX. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted for the purpose of carrying into effect the provisions of the Constitution in regard to the re-delivery of fugitive slaves or fugitives from labor and service, shall extend to, and be in full force within the said Seminole Nation; and shall also apply to all cases of escape of fugitive slaves from the said Seminole Nation into any other Indian nation or into one of the Confederate States; the obligation upon each such nation or State to re-deliver such slaves being in every case as complete as if they had escaped from another State, and the mode of procedure the same.

ARTICLE XXX. Persons belonging to the Seminole Nation shall hereafter be competent witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

ARTICLE XXXI. It is hereby further agreed by the Confederate States, that all the members of the Seminole Nation as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase or descent, lands in any of the Confederate States heretofore or hereafter acquired by them, and to sue and implead in any of the courts of each of the States, in the same manner, and as fully, and under the same terms and restrictions, and on the same conditions only as citizens of another of the Confederate States can do.

ARTICLE XXXII. Whenever regular courts of justice shall be established in the Seminole Nation, the official acts of all its judicial officers shall have the same effect, and be entitled to the like faith and credit everywhere as the like acts of judicial officers of the same grade and jurisdiction in any one of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of its laws and judicial and other records shall be authenticated like similar proceedings of the courts of the Confederate States and the laws and office records of the same, and be entitled to the like faith and credit.

ARTICLE XXXIII. It is hereby declared and agreed, that the institution of slavery in the Seminole Nation is legal and has existed from

time immemorial; that slaves are taken and deemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof; and that the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held valid and binding within the scope of their operation.

ARTICLE XXXIV. No *ex post facto* law or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Seminole Nation to affect any other persons than its own people; nor shall any citizen of the Confederate States or member of any other Indian nation or tribe be deprived of his property, or deprived or restrained of his liberty, or fine, penalty or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of the law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States; and it shall be within the province of the agent to prevent any infringement of such rights and of this article, if it should in any case be necessary.

ARTICLE XXXV. It is hereby further agreed, that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Seminole Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postage and in the same manner as in the Confederate States.

ARTICLE XXXVI. It is further agreed by the said Confederate States, that the said Seminole Nation shall never be required or called upon to pay, in hand or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ARTICLE XXXVII. In order to enable the Creek and Seminole Nations to claim their rights and secure their interests without the intervention of counsel or agents, and as they were originally one and the same people and are now entitled to reside in the country of each other, they shall be jointly entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a member of one of said nations, over twenty-one years of age, and laboring under no legal disability by the law of either nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by the delegate from any Territory of the Confederate States to the said House of Representatives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and be conducted in such manner as shall be prescribed by the agent of the Confederate States for the Creeks, to whom returns of such election shall be made, and he shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the times, places and manner of holding them and ascertaining and certifying the result shall be prescribed by law of the Confederate States.

ARTICLE XXXVIII. It is hereby ascertained and agreed by and between the Confederate States and the Seminole Nation, that the United States of America, of which the Confederate States were heretofore a part, were, before the separation, indebted, and still continue to be indebted, to the Seminole Nation in the following sums, annually, and bound to the punctual

to be, in respect to slavery, declared binding.

No *ex post facto* law, or law impairing the obligation of contracts, affect any other than its own people.

Rights of person and property secured to citizens of the C. S. and members of other Indian Nations.

Post-offices and mails

Seminole's not to pay expenses of present or any future war.

Representative in Congress.

Election of delegate.

Annulment, interest and annual instalments and arrearages thereof due by the U. S. to the Seminole Nation.

tual payment thereof to them, on the thirteenth day of December, in each year, that is to say:

Perpetual annuities, amounting to the sum of twenty-five thousand dollars, being the annual interest at the rate of five per cent. per annum on the two sums of two hundred and fifty thousand dollars each, which were, by the eighth article of the treaty of the seventh day of August, A. D., one thousand eight hundred and fifty-six, to be invested by the United States at that rate of interest, and the interest to be regularly paid over to the nation *per capita* as annuity; no part of which was ever invested.

And the sums of three thousand dollars, for the support of schools, two thousand dollars, for agricultural assistance, and two thousand two hundred dollars, for the support of smiths and smith shops among the Seminoles, which were, by the same treaty, to be paid annually for ten years from and after the making of the said treaty.

And it is hereby further ascertained and agreed, that there was due to the Seminole Nation from the United States of America, on the thirtieth day of December, in the year of our Lord, one thousand eight hundred and sixty, on account of said annual payments, and the arrearages thereof, the sums following, that is to say:

For arrearages of the said sum of three thousand dollars, annually, for the support of schools, from the seventh day of August, A. D., one thousand eight hundred and fifty-six, until, and including the payment for, the thirtieth day of December, A. D., one thousand eight hundred and sixty, thirteen thousand dollars.

The sum of two thousand dollars, for agricultural assistance, and the sum of two thousand two hundred dollars, for the support of smiths and smith-shops, both payable on the day last mentioned.

And it not being desired by the Confederate States that the Seminole Nation should continue to receive these annual sums from the Government of the United States, or otherwise have any further connection or communication with that Government; and they being willing, for the benefit and improvement of the Seminole people, to extend the time during which the said annual sums of three thousand dollars, for the support of schools, and of two thousand two hundred dollars, for the support of smiths and

The C. S. assumes  
the payment of the  
annuities and an-  
nual payments.

smith-shops, shall be paid; therefore, the said Confederate States of America, do hereby assume the payment, for the future, of the above-recited annuity and annual payments, and do agree and bind themselves regularly and punctually to pay the same in manner following, that is to say:

The said annuity or annual interest of twenty-five thousand dollars, annually, forever, commencing with the thirtieth day of December next, five thousand dollars thereof, annually, to the treasurer of the nation, to be used and disbursed as the General Council shall direct for governmental and other purposes, and the residue of twenty thousand dollars, annually, *per capita*, to all the individuals of the Seminole Nation, equally and share and share alike: *Provided*, That after the restoration of peace, and the establishment and recognition of the independence of the Confederate States, and if it be required by the General Council of the Seminole Nation, the capital sum of five hundred thousand dollars, on which the said annual interest is hereby provided to be paid, shall be invested by the President in safe stocks, at their market value, bearing an annual interest of at least six per cent., so that the most advantageous investment possible shall be made for the Seminole Nation; which stocks shall be thereafter held in trust for the Seminole people, and the interest thereon collected by the Confederate States, and by them paid annually to the Seminoles, five thousand dollars in each year to the treasurer of the nation, to be applied



to such governmental and other purposes as the General Council shall direct, and the whole residue, *per capita*, to all the individuals of the nation. The said sum of three thousand dollars, for the support of schools, annually, for twenty years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year; to be expended and applied under the direction of the President of the Confederate States by the agent of the Seminoles.

The said sum of two thousand two hundred dollars, for the support of smiths and smith-shops, annually, for ten years from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied by, or under the direction of, the General Council for the support of smiths and smith-shops in the said nation.

The said sum of two thousand dollars, for agricultural assistance, annually, for five years, from and after the making of this treaty, beginning with the present year of our Lord, one thousand eight hundred and sixty-one, and payable on the thirtieth day of December in each year, to be expended and applied, under the direction of the President, in the way of agricultural assistance, by the agent of the Confederate States for the said nation.

And the said Confederate States do also agree and bind themselves to appropriate and pay immediately after the complete ratification of this treaty, the sum of seventeen thousand two hundred dollars, the aggregate of the sums which were so due and payable as aforesaid, on the thirtieth day of December, A. D., one thousand eight hundred and sixty; the sums of thirteen thousand and two thousand dollars, part thereof, to be expended and disbursed by the agent, under the direction of the President, the former for the support of schools, and the latter in the way of agricultural assistance; and the sum of two thousand two hundred dollars, the residue thereof, to be paid to the treasurer of the nation, and applied by the General Council to the support of smiths and smith-shops: *Provided*, That the President shall not be required to expend the whole of said sum of thirteen thousand dollars at once; but shall apply the same judiciously, from time to time, and at such times and in such sums, as shall seem to him best calculated to diffuse the benefits of education and knowledge among the children of the Seminoles. And it is further agreed by the Confederate States that they will also add to the said sum the further sum of one thousand dollars, to be applied by the agent to the erection of two additional school houses, at suitable points in the Seminole country.

ARTICLE XXXIX. It being alleged by the Seminole people that certain persons among them are entitled to compensation for the loss sustained by them by being dispossessed of a large number of slaves about the year one thousand eight hundred and forty-seven, by an illegal order of General Thomas S. Jesup, and which were protected against the claims of the owners by order of that General, at Fort Gibson or elsewhere, for a long time, and until they were delivered up to the United States sub-agent, for the Seminoles, about the first of January, A. D., one thousand eight hundred and forty-nine, by virtue of an order from the President, promulgated by the Secretary of War, in an order dated fifth of August, one thousand eight hundred and forty-eight, to be by the sub-agent delivered to the Chiefs of the Seminoles, who were to decide the right of property in and to said slaves; and that this was done by a decree of the General Council, of the fifteenth day of May, one thousand eight hundred and forty-nine, by which decree all the slaves, and their increase, having formerly belonged

Claim for compensation for loss sustained by the Seminole people by being dispossessed of a large number of their slaves.

to King Payne, were decided to belong to and to be under the control of Micco Mut-cha-sa or Jem Jumper, the Principal Chief of the nation.

And it being also alleged by the Seminoles that the claims of the various owners of said slaves, so dispossessed of their property and deprived of the use of the same for three years or more, were made out before, and filed with, Marcellus Du Val, the sub-agent for the Seminoles, prior to the fifth of September, one thousand eight hundred and fifty-four;

And it being alleged by them, that fifty of said negroes belonged to Car-pit-cha Micco, now deceased, seven to Chilto, forty to Nelly Factor, and thirty to Eliza Chopeco, daughter of Billy Bowlegs;

And it being also alleged by the Seminoles, that they could never obtain any consideration or hearing of or for these claims from the Government of the United States, not even at the time of making the treaty of the year of our Lord, one thousand eight hundred and fifty-six, on account of the determination of northern members of the Cabinet and of Congress, not to admit any right of property in slaves or pay any claim on account of the seizure or detention of slaves, even to foreign governments;

And the said negroes being alleged to have been illegally seized and detained without warrant of law or color of right, of war or otherwise;

Investigation  
and adjudication  
of such claims.

Therefore, it is hereby further agreed by and on the part of the Confederate States, that the said claims shall, at the earliest convenient season, be examined and investigated by the Commissioner of Indian Affairs, who shall do so under the direction of the Secretary of War, and subject to an appeal to him and from him to the President, in such manner as shall be just and liberal under the circumstances and after such lapse of time, and shall adjudicate the same upon such principles as shall be just and equitable; and if it be upon such investigation ascertained and determined that the slaves in question were illegally detained, then the Confederate States will pay to the several owners or their heirs, within a reasonable time, such amounts of money as shall be determined to have been justly and equitably due to the said several owners, for the loss of service of said slaves during such times as they shall be found to have been so detained, according to the current value of such service in the Seminole country at the time.

The C. S. assume  
the payment of the  
money due for the  
loss of service of  
the slaves.

Payment to the  
heirs of Sally Fac-  
tor, deceased, for  
two slaves killed  
while in the ser-  
vice of the U. S.

ARTICLE XL. Whereas, during the war between the United States and the Seminoles, in Florida, in the years from one thousand eight hundred and thirty-six, to one thousand eight hundred and forty ———, inclusive, the United States military authorities, in Florida, compelled July and Murray, two slaves of Sally Factor, now deceased, to serve as interpreters, and retained them in such service and had them in possession for the space of nearly or quite four years, until both of them were killed, one by a soldier of the United States, and the other by the hostile Seminoles, whereby the owner lost both, and their services for four years; but her claim for compensation could never obtain a hearing or consideration at the hands of the United States, because to pay it would have been to admit the legality of property in slaves, and, therefore, even an examination of it was refused at the making of the treaty of the year one thousand eight hundred and fifty-six; therefore, the Confederate States do hereby agree to pay to the heirs of the said Sally Factor, deceased, in full satisfaction for said claim, the sum of five thousand dollars, immediately after the ratification of this treaty.

Payment of  
John Jumper, the  
Principal Chief,  
and others in full  
of their claims and  
in view of their  
loyalty and good  
faith.

ARTICLE XII. It being urged, with much reason, by the authorities of the Seminole Nation, that the delegates, forty in number, who went with the Superintendent of Indian Affairs to Florida, in the year one thousand eight hundred and fifty-seven, to bring about the removal of the hostile Seminoles, received but an insufficient compensation from the

United States for their time and services, in the payment of the sum of two hundred dollars each, for four months absence from their homes; and the said Confederate States being desirous to leave no just and fair claim of the Seminoles, or any of them, unadjusted, or any of their friends among the Red Men justly dissatisfied, it is, therefore, hereby agreed on the part of the Confederate States, that they will pay upon the ratification of this treaty, to the Principal Chief, John Jumper, or Hi-na-ha Mico, for his services at that time and in consideration of his loyalty at the present time, the sum of five hundred dollars for himself, and the sum of twelve hundred and fifty dollars, to be equally divided by him among five of the principal men among the said delegates; and will also pay to him for each of the other thirty-four delegates the sum of one hundred dollars in full of all their claims, and in view of their present loyalty and good faith.

ARTICLE XLIII. It is hereby further agreed by the Confederate States, that they will pay, upon the complete ratification of this treaty, to the Principal Chief of the Seminole Nation, to be equally divided, by him, among the commissioners appointed by the General Council, and who have negotiated this treaty, the sum of five hundred dollars, by way of compensation for their time and services therein.

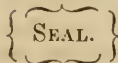
ARTICLE XLIII. To give the Seminoles full and entire assurance of the completeness of their title to their lands, the Confederate States hereby agree that there shall be executed and delivered to the Seminole Nation letters patent of conveyance and assurance of the same, whereby the same shall be guaranteed to them in fee simple forever, with power of disposition, in the language of article four of this treaty, under the Great Seal of the Confederate States, and signed by the President, upon parchment, so that it may not decay or its letters fade.

ARTICLE XLIV. A general amnesty of all past offences against the laws of the United States and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Seminole Nation, as such membership is defined in this treaty, is hereby declared, and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon, and be discharged.

ARTICLE XLV. It is further agreed between the parties that all provisions of the treaties of the Seminole Nation with the United States which secure or guarantee to the Seminole Nation, or individuals thereof, any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to the provisions of this treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

ARTICLE XLVI. This treaty shall take effect and be obligatory upon the contracting parties from the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, whenever it shall be ratified by the provisional President and Congress, or the President and Senate of the Confederate States.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary power, on the part of the Confederate States, doth now herenunto set his hand and affix the seal of his arms, and the undersigned chiefs, head men and warriors of the Seminole Nation, and commissioners with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.





## TREATY WITH THE SEMINOLE NATION.

Done in duplicate, at the place, and upon the day, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States of America to the Indian Nations west of Arkansas.*

JOHN JUMPER,  
*Principal Chief of the Seminole Nation.*

PAS-CO-FA,  
*Town Chief.*

GEORGE CLOUD,  
*Town Chief.*

FOS-HUT-CHI TUS-TI-NUK-KI,  
*Town Chief.*

TA-CO-SA FIC-SI-CO,  
*Town Chief.*

HAL-PA-TA,  
*Town Chief.*

I-MA-THLA,  
*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,  
*Town Chief.*

TA-LO-A HA-CHO,  
*Town Chief.*

O-CHI-SI CHO-FO-TO-A,  
*Town Chief.*

CHO-FO-TOP HACHO,  
*Town Chief.*

SU-NUK MICCO,  
*Town Chief.*

TUS-TI-NUK CO-CHO-CO-NI,  
*Town Chief.*

Signed, sealed and mutually delivered in our presence.

WM. QUESENBURY,  
*Secretary to the Commissioner.*

E. RECTOR,  
*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,  
*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,  
CHARLES B. JOHNSON,  
W. WARREN JOHNSON,  
W. L. PIKE,  
W. H. FAULKNER.

To the Indian names are subjoined marks.

## A CONVENTION SUPPLEMENTARY

Aug. 1, 1861.

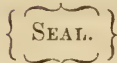
*To the treaty of friendship this day made and concluded at the Council House of the Seminole Nation, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, of the one part, and the Seminole Nation of red men, by their Chiefs, head men and warriors in General Council assembled, of the other part.*

The Seminole Nation to furnish five companies of mounted men to serve in the army of the C. S.

In addition to the said treaty, and by way of separate convention and agreement, it is hereby agreed between the said parties, that in consideration of the common interests of the Confederate States and the Seminole Nation, and of the protection and rights secured and guaranteed to the latter by said treaty, the said Seminole Nation will raise and furnish, and the Confederate States will receive into their service not less than two nor more than five companies of mounted men, to serve in the armies of the Confederate States for twelve months. Each company shall be composed of not less than sixty-four nor more than one hundred men in all. The company officers shall be elected by the members of the

company; and the major commanding by a majority of the votes of all the members of the battalion. The men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country, west of Arkansas, without their consent.

In testimony whereof, the said Albert Pike, as such Commissioner of the Confederate States, doth hereunto set his hand and affix the seal of his arms, and Hin-i-ha Mico or John Jumper, Principal Chief of the Seminole Nation, Pas-co-fa, George Cloud, Fos-hut-chi Tas-ti-nuk-ki, Ta-co-sa Fic-si-co, Hal-pa-ta, I-ma-thla, Fos-hut-chi Ha-cho-chi, Sa-to-a Hacho, O-chi-si Cho-fo-to-a, Cho-fo-top Hacho, Su-nuk Mico and Tus-ti-nuk Co-cho-co-ni Town Chiefs, Commissioners, with plenary powers thereof, on the part of the Seminole Nation, do hereunto set their hands and affix their seals.



Done in duplicate at the Seminole agency, in the Seminole Nation, on the second day of August, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States of America to the Indian Nations west of Arkansas.*

JOHN JUMPER,

*Principal Chief of the Seminole Nation.*

PAS-CO-FA,

*Town Chief.*

GEORGE CLOUD,

*Town Chief.*

FOS-HUT-CHI TUS-TI-NUK-KI,

*Town Chief.*

TA-CO-SA FIC-SI-CO,

*Town Chief.*

HAL-PA-TA,

*Town Chief.*

I-MA-THLA,

*Town Chief.*

FOS-HUT-CHI HA-CHO-CHI,

*Town Chief.*

SA-TO-A HACHO,

*Town Chief.*

O-CHI-SI CHO-FO-TO-A,

*Town Chief.*

CHO-FO-TOP HACHO,

*Town Chief.*

SU-NUK MICCO,

*Town Chief.*

TUS-TI-NUK CO-CHO-CO-NI,

*Town Chief.*

Signed, sealed end mutually delivered in our presence.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs for the Western Superintendency.*

SAMUEL M. RUTHERFORD,

*Agent of the Confederate States for the Seminoles.*

JAMES M. C. SMITH,

*Special Interpreter.*

CHARLES B. JOHNSON,

W. WARREN JOHNSON,

W. L. PIKE,

W. H. FAULKNER.

To the Indian names are subjoined marks.

### RATIFICATION.

Dec. 20, 1861.

Resolved, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, Commissioner

Ratification by Congress of treaty with the Seminole Nation.

of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and by the Seminole Nations of Indians, by its Chiefs, headmen and warriors, in General Council assembled, of the other part, concluded at the Seminole Council House in the Seminole Nation, on the first day of August, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Amendments.

AMENDMENTS:

I. Add at the end of article xxx. the following words: "and the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

II. Strike out from article xxxvii. the following words: "the same rights and privileges as may be enjoyed by the delegates from any Territory of the Confederate States to the said House of Representatives," and insert, in lieu thereof, the following words; "a seat in the hall of the House of Representatives to propose and introduce measures for the benefit of said nations, and to be heard in regard thereto, and on other questions in which either of said nations is particularly interested, with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from article xxxviii. the following words: "or in a State court," and insert, in lieu thereof, the following words: "or in a State court, subject to the laws of the State."

*Resolved further*, (two thirds of the Congress concurring,) That the Congress do also advise and consent to the ratification of the Convention, supplementary to the aforesaid treaty with the Seminoles, made by the same parties of each part, and concluded at the same time and place with the same.

NOTE.—The foregoing treaty, together with the amendments, was duly ratified by the Seminole Nation.



# TREATY WITH THE COMANCHES

## AND OTHER TRIBES AND BANDS.

AUGUST 12TH, 1861.

### ARTICLES OF A CONVENTION

*Ent red into and concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Pen-e-tegh-ca Band of the Ne-um or Comanches, and the tribes and bands of Wichitas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, residing in the said leased country, by their respective Chiefs and Head Men, who have signed these articles, of the other part.*

ARTICLE I. The Pen-e-tegh-ca Band of the Ne-um or Comanches, and the tribes and bands of the Wich-i-tas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, now residing within the country north of Red river and south of the Canadian, and between the ninety-eighth and one hundredths parallels of west longitude, leased for them and other tribes from the Choctaw and Chickasaw Nations, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war forever.

The Comanches, &c., place themselves under the protection of the C. S.

ARTICLE II. The Confederate States of America do hereby promise and engage themselves to be, during all time, the friends and protectors of the Pen-e-tegh-ca Band of the Ne-um, and of the Wich-i-tas, Cado-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, residing, or that may hereafter come to reside, in the said leased country; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

The C. S. assume the protectorates.

ARTICLE III. The reserves at present occupied by the said several tribes and bands may continue to be occupied by them, if they are satisfied therewith; and if any of them are not, the tribe or tribes, band or bands dissatisfied may select other reserves instead of those now occupied by them, in the same leased country, with the concurrence and assent of the agent of the Confederate States for the reserve Indians, at any time within two years from the day of the signing of these articles.

Occupation of reserves.

Extent of each reserve.

Reserves, how defined.

Right of property in reserve secured to each tribe or band.

Hunting and killing of game.

Perpetual peace and brotherhood between the tribes and bands.

Injuries, &c., forgiven.

Tribes and bands to be good neighbors to each other.

Right of property in horses, cattle and stock.

Perpetual peace and brotherhood between the Comanches, &c., and certain other tribes.

Return of stolen property.

Apprehension and delivery of any wrong doer.

Laws of Choctaws and Chickasaws to have no force.

Hostilities and enmities between the said tribes and bands and State of Texas, forgotten and forgiven.

No war to be waged or councils held except with the consent of the agent.

Who may live among them.

ARTICLE IV. Each reserve shall be of sufficient extent of good arable and grazing land, amply to supply the needs of the tribe or band that is to occupy it; and each shall have a separate reserve, unless two or more elect to settle and reside together, and hold their reserves in common. The reserves shall, as far as practicable, be defined by natural boundaries that may be described, and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and preserved by the Confederate States.

ARTICLE V. Each tribe or band shall have the right to possess, occupy and use the reserve allotted to it, as long as grass shall grow and water run, and the reserves shall be their own property like their horses and cattle.

ARTICLE VI. The members of all the said several bands and tribes of Indians shall have the right, henceforward forever, to hunt and kill game in all the unoccupied part of the said leased country, without let or molestation from any quarter.

ARTICLE VII. There shall be perpetual peace and brotherhood between the Pen-c-tegh-ca Band of the Ne-nm or Camanches, and the tribes and bands of the Wich-i-tas, Ca-do-Ha-da-chos, Hue-cos, Ta-hua-ca-ros, An-a-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, between each of them and each and all of the others; and every injury or act of hostility which either has heretofore sustained at the hands of the other shall be forgiven and forgotten.

ARTICLE VIII. The said several tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by all, that the horses, cattle and other stock and property of each tribe or band and of every person of each, is his or its own, and that no tribe or band nor any person belonging to any tribe or band shall, or will hereafter, kill, take away or injure any such property of another tribe or band or of any member of any other tribe or band, or in any other way do them any harm.

ARTICLE IX. There shall be perpetual peace and brotherhood between each and all of said tribes and bands, and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations; and the chiefs and head men of each of the said tribes and bands shall do all in their power to take and return any negroes, horses or other property stolen from white men or from persons who belong to the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nation, and to catch and give up any person among them who may kill or steal or do any other very wrong thing.

ARTICLE X. None of the laws of the Choctaws and Chickasaws shall ever be in force in the said leased country so as to affect any of the members of the said several tribes and bands, but only as to their own people who may settle therein; and they shall never interfere in any way with the reserves, improvements or property of the reserve Indians.

ARTICLE XI. It is distinctly understood by the said several tribes and bands, that the State of Texas is one of the Confederate States, and joins this Convention, and signs it when the Commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended and are to be forgotten and forgiven on both sides.

ARTICLE XII. None of the braves of the said tribes and bands shall go upon the war-path, against any enemy whatever, except with the consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

ARTICLE XIII. To steal a horse or other any article of property from an Indian or a white man, shall hereafter be considered disgraceful, and the chiefs will discountenance it by every means in their power. For if they should not, there never could be any permanent peace.

The stealing of property to be considered disgraceful.

ARTICLE XIV. The Confederate States ask nothing of the Pen-e-teg-has, Wich-i-tas, Ca-do-Ha-da-chas, Hue-cos, Ta-hua-ca-ros, A-na-dagh-cos, Ton-ca-wes, Ai-o-nais, Ki-chais, Shawnees and Delawares, except that they will settle upon their reserves, become industrious, prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves, the Confederate States agree to continue to furnish them rations of provisions in the same manner as they are now doing, to include, also, sugar and coffee, salt, soap and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each tribe or band with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also to furnish to all of said tribes and bands together two hundred and fifty stock hogs, all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most proper to receive them, and most likely to take care of them. And they also agree to furnish, for the use of the said tribes and bands, such number of draught oxen, wagons, carts, ploughs, shovels, hoes, pick-axes, spades, scythes, rakes, axes and seeds as may be necessary, in addition to their present supply, to enable them to farm successfully. They also agree to furnish each tribe or band, annually, with such quantities as the agent shall estimate for and the superintendent require, of all such articles as are mentioned and contained in the schedule hereunto annexed, marked A, to be issued and delivered to them by the agent.

Nothing asked by the C. S. of certain of the tribes, except that they will settle upon their reserves, live peaceably, &c.

The C. S. agree to furnish rations, stock, agricultural implements, &c.

ARTICLE XV. The Confederate States will maintain one agency for the said tribes and bands at the present agency house or some other suitable and convenient location, at which the agent shall continually reside; and they do promise the said tribes and bands that they shall never be abandoned by the agent, and that he shall not be often nor for any long time away from his agency.

Agency for the tribes and bands.

ARTICLE XVI. The Confederate States will also employ and pay an interpreter for each language spoken among the said tribes and bands, and also one blacksmith, who shall also be a gun-smith, one striker and one wagon-maker, for all; all of whom shall reside at the agency; and they will furnish, from time to time, such tools and such supplies of iron, steel and wood as may be needed for the work of the said tribes and bands; and will also furnish all the people of said tribes and bands who may be sick, with medicines and medical service, at the agency, where a physician shall be employed to reside, for their benefit exclusively. They will also employ for five years and as much longer as the President shall please, a farmer for each reserve, to instruct the Indians in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills, to grind their corn, as the superintendent shall consider to be necessary, in order to accommodate all. And the stock and animals to be given to the tribes and bands shall be in charge of the farmers, that they may not be foolishly killed or let to perish by neglect.

Interpreter, blacksmith, striker and wagon-maker.

Tools and supplies of iron, steel and wood.

Medicines and medical service.

Farmer for each reserve.

Grist mills.

Stock and animals given, to be in charge of the farmers.

Erection of buildings.

ARTICLE XVII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith's shops, and houses for the farmers and interpreters, as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

ARTICLE XVIII. The said bands and tribes agree to remain upon their



Bands and tribes reserves, and not at any time to leave them in order to make crops elsewhere. And, if they should leave them, the Confederate States shall to remain on their reserves. not be bound any longer to feed them or make them presents, or give them any assistance.

Rifle and ammunition to be furnished each warrior. ARTICLE XIX. The Confederate States also agree to furnish each warrior of the said tribes and bands who has not a gun, with a flint-lock rifle and ammunition, which he agrees never to sell or give away, and the Confederate States will punish any trader or other white man who may purchase one from them.

Promises made by the C. S. to the Comanches, should they settle within the leased country, and atone for crimes committed. ARTICLE XX. The Confederate States invite all the other bands of the Ne-un or Comanches to abandon their wandering life and settle within the leased country aforesaid; and do promise them, in that case, the same protection and care as is hereby promised to said tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made them, and assistance given them, in all respects; and the same things in all respects are also hereby offered the Cai-a-was and agreed to be given them, if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was, with this talk, the wampum of peace and the bullet of war, for them to take their choice, now and for all time to come.

Indemnity for horses or other property killed or stolen. ARTICLE XXI. The Confederate States hereby guarantee to the members of the aforesaid tribes and bands, full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States or by Indians of any other tribe or band: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced to satisfy the agent, that it was killed or stolen within the limits of the Confederate States.

Settlement of difficulties between any of the bands or tribes on account of injuries to person or property. ARTICLE XXII. If any difficulty should hereafter arise between any of the bands or tribes, in consequence of the killing of any one, of the stealing or killing of horses, cattle or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

No private revenge or retaliation to be taken for injuries. ARTICLE XXIII. In order that the friendship which now exists between the said several tribes and bands of Indians and the people of the Confederate States, and of the Choctaw and Chickasaw Nations may not be interrupted by the conduct of individuals, it is hereby agreed that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes and bands, or if any one of them injures a white man or a Choctaw or Chickasaw, no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish him, in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause, shall be hung by the neck until he is dead.

Offenders to be tried and punished by the U. S. ARTICLE XXIV. It is further hereby agreed by the Confederate States, that all the Texan troops now within the limits of the said leased country shall be withdrawn across Red river, and that no Texan troops shall hereafter be stationed in forts or garrisons in the said country or be sent into the same, except in the service of the Confederate States,

Punishment for killing without cause.

Texan troops to be withdrawn.

and when on the war-path against the Cai-a-was or other hostile Indians.

ARTICLE XXV. This convention shall be obligatory on the tribes and bands whose Chiefs and headmen sign the same, from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

When this Convention to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, of the Confederate States of America, to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned Chiefs and headmen for and on behalf of their respective tribes and bands, do now hereunto respectively set their hands affix their seals.

Done at the Wichita Agency, aforesaid, on this the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations and Tribes west of Arkansas.*

KE-KA-RE-WA,

*Principal Chief of the Pen-e-tegh-ca Band of the Ne-um.*

TE-ATS,

*Sub. Chief of the Huc-cos.*

TO-SA-WI,

*Second Chief of the Pen-e-tegh-ca Band of the Ne-um.*

O-CHIR-RAS,

*Principal Chief of the Ta-hua-ca-ros.*

PA-IN-HOT-SA-MA,

*War Chief of the Pen-e-tegh-ca Band of the Ne-um.*

SAM HOUSTON,

*Second Chief of the Ta-hua-ca-ros.*

I-SA-DO-WA,

*Principal Chief of the Wich-i-tas.*

CA-SHAO,

*Principal Chief of the Ai-o-nais.*

A-WA-HE,

*Second Chief of the Wich-i-tas.*

JOSE MARIA,

*Principal Chief of the An-a-dagh-cos.*

A-SA-CA-RA,

*Chief of the Wich-i-tas.*

CO-SE-MU-SO,

*Second Chief of the An-a-dagh-cos.*

TA-NAH,

*Principal Chief of the Cado-Hadachos.*

KE-SE-MIRA,

*Captain of the An-a-dagh-cos.*

TAI-O-TUN,

*Second Chief of the Cado-Hadachos.*

JIM TON-CA-WE,

*Captain of the Ton-ca-wes.*

CHA-WIII-WIN,

*Captain of the Cado-Hadachos.*

KI-IS-QUA,

*Second Chief of the Ki-chain.*

CHA-WAH-UN,

*Captain of the Cado-Hadachos.*

JOHN LINNY,

*Chief of the Sha-ua-was.*

A-HE-DAT,

*Principal Chief of the Huc-cos.*

KEH-KA-TUST-TUN,

*Chief of the Delawares.*

CA-CA-DIA,

*Second Chief of the Huc-cos.*

Signed, sealed and copies exchanged in presence of us.

WM. QUESENBURY,

*Secretary to the Commissioner.*

CHILLY McINTOSH,

E. RECTOR,

*Superintendent of Indian Affairs for the Confederate States.*

ISRAEL G. VORE,

W. WARREN JOHNSON,

W. L. PIKE,

M. LUPER,

*Agent of the Confederate States for the Wich-i-tas and other Bands.*

H. P. JONES,

CHARLES B. JOHNSON,

J. J. STURM,

MOTLEY KINNARD,

*Principal Chief of the Mus-ko-kis.*

WM. SHIRLEY,

JOHN JUMPER,

*Principal Chief of the Seminoles.*

W. H. FAULKNER,

To the Indian names are subjoined marks.

## SCHEDULE A.

## Schedule A.

Of articles of merchandize, &c., agreed to be furnished annually, under the foregoing convention to the Comanches, Wich-i-tas, Hue-cos, Cado-Hadachos, An-a-dagh-cos, Ta-hua-ca-ros, Ki-chais, Ai-o-nais, Shaw-nees and Delawares, living on reserves in the country leased from the Choctaws and Chickasaws:

Blue drilling, warm coats, calico, plaid check, regatta cotton shirts, socks, hats, woolen shirts, red, white and blue blankets, red and blue list cloth, shawls and handkerchiefs, brown domestic, thread, yarn and twine, shoes, for men and women, white drilling, ribbons, assorted colors, beads, combs, camp kettles, tin cups and buckets, pans, coffee pots and dippers, needles, scissors and shears, butcher knives, large iron spoons, knives and forks, nails, hatchets and hammers, augers, drawing knives, gimlets, chopping axes, fish-hooks, ammunition, including powder, lead, flints and percussion caps, tobacco.

This is schedule A, of the treaty with the Pen-e-tegh-ca Band of Ne um, and the Wich-i-tas and other bands, to which it is annexed as a part thereof.

{ SEAL }

ALBERT PIKE, *Commissioner, &c.*

## ARTICLE SUPPLEMENTARY

*To the Convention between the Confederate States of America and the Pen-e-tegh-ca Band of Ne-um or Comanches, Wich-i-tas, Cado-Ha-dachos, and other Bands settled upon reserves, made and concluded at the Wich-i-ta Agency, near the False Washita river, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.*

## Preamble.

ARTICLE. It being well known to all surrounding tribes and universally acknowledged, that, from time immemorial, the Ta-wa-i-hash people of Indians, now called, by white men, the Wich-i-tas, and of whom the Hue-cos and Ta-hua-ca-ros are offshoots, possessed and inhabited, to the exclusion of all other tribes and bands of Indians, the whole country lying between the Red river and the False Washita, from their junction to the west of the Wich-i-ta mountains, and with the aid of the Ta-nei-weh Band of the Ne-um, held all that country against all comers, and had their villages and fields in the vallies of the Wich-i-ta mountains and upon the creeks, and there cultivated the soil, raised stock and led an industrious life; all which facts were known to the Commissioner of the Confederate States twenty-nine years ago.

And the United States of America, having, in the year eighteen hundred and twenty, and by subsequent renewals of the grant, ceded, the whole of that country to the Choctaws; and having afterwards, by patent, conveyed and assured the same to them in fee, and they having made the Chickasaws joint and equal owners of the same with themselves; whereby the same has been wholly lost to the Ta-wa-i-hash, except such small portion thereof as has been assigned to them by way of reserve; and no compensation whatever has been made them therefor, although they respectfully presented their claim on account of the same to the Commissioner of Indian Affairs of the United States, and appealed to that Government for payment of some reasonable price for their said country, to be paid them in such manner as should be most for their benefit and improvement;



And the Commissioner knowing that their claim to compensation is a just one, and seeing how poor and helpless they are, and being willing to save them from the necessity of employing persons to urge their claim, and of dividing with them what they may receive, but not deeming himself authorized to decide what amount shall be allowed them therefor, nor in what manner it shall be paid.

It is, therefore, hereby agreed by the Confederate States, that the claim of the Ta-wa-i-hash or Wich-i-tas to compensation for their country, between the Red river and the False Washita, shall be submitted to the President for his consideration, who, if he also agrees that it is just, shall determine what amount shall be paid or allowed them in satisfaction thereof, and in what manner that amount shall be paid; and that amount shall accordingly be paid them in such manner as he shall direct.

Claim of the Wich-i-tas to compensation for their country between the Red river and False Washita to be determined by the President.

*In testimony whereof*, the said Albert Pike, Commissioner of the Confederate States of America to the Indian Nations and Tribes west of Arkansas, doth hereunto set his hand, on behalf of the said Confederate States, and affix the seal of his arms.

{ SEAL. }

So done and signed and sealed, at Wich-i-ta Agency, near the False Wash-i-ta river, on the thirteenth day of August, in the year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations and Tribes west of Arkansas.*

WM. QUESENBURY,

*Secretary to the Commissioner.*

### RATIFICATION.

Dec. 21, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Pen-e-tegh-ca Band of Ne-um or Comanches, and the Tribes and Bands of the Wich-i-tas Cado-Ha-da-chos, Hue-cos, Ta-hau-ca-ros, An-a-dagh-cos, Ton-ca-wes, Ai-o-wais, Ki-chais, Shawnees and Delawares, residing in the country leased from the Choctaws and Chickasaws, each by its Chiefs and headmen, who signed the said articles, of the other part; concluded at the Wich-i-ta Agency, near the False Washita river, in the said leased country, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one. And that the Congress also advises and consents to the ratification of the supplementary article of the same Convention, made and concluded at the same time and place, by the said Commissioner in behalf the Confederate States, with the Ta-wai-hash or Wich-i-ta Band of Indians, with the amendments adopted, to wit:

Ratification of the foregoing treaty and supplementary article.

1st. Strike out all of article nineteen.

2nd. Strike out all of article twenty-four.

# TREATY WITH THE COMANCHES

## OF THE PRAIRIES AND STAKED PLAIN.

AUGUST 12, 1861.

### ARTICLES OF A CONVENTION,

Aug 12, 1861. *Entered into and concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of the Congress in that behalf, of the one part, and the Ne-co-ni, Ta-ne-i-we, Co-cho-tih-ca and Ya-pa-rih-ca bands of the Ne-um or Comanches of the Prairies and Staked Plain, by their Chiefs and head men who have signed these articles, on the other part.*

The Comanches make peace with and place themselves under the protection of the U. S.

ARTICLE I. The No-co-ni, Ta-nei-weh, Co-cho-tih-ca and Ya-pa-rih-ca bands of the Ne-um, called by the white men the Comanches of the Prairies and the Staked Plain, do hereby make peace with the Confederate States of America, and do renew and continue the peace heretofore existing between them and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations of red men, and do hereby take each and all of them by the hand of friendship, having smoked with them the pipe of peace, and received the wampum of peace; and do hereby place themselves under the laws and protection of the Confederate States of America, and agree to be true and loyal to them in peace and in war forever, and to hold them by the hand, and have but one heart with them always.

The C. S. assume the protection.

ARTICLE II. The Confederate States of America do hereby promise and engage themselves to be, during all time, the friends and protectors of the No-co-ni, the Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and that they will not allow them to be molested by any power or people, State or person whatever.

Settlement upon reserved.

ARTICLE III. The No-co-ni, Ta-ne-i-we, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um hereby agree that they will abandon their wandering mode of life and come in from the Prairies and Staked Plain, and settle upon reserves to be allotted to them in that country which lies north of the Red river and south of the Canadian, and between the ninety-eighth and one hundredth parallels of west longitude, and which has been leased for them and other tribes of red men, by the Confederate States from the Choctaws and Chickasaws, and in which the Confederate States have offered all the Ne-um homes.

ARTICLE IV. The No-co ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall be allowed to choose their own homes, in any unoccupied part of the said leased country, on or near the Canadian or False Washita rivers, or near the Wich-i-ta mountains, as may best suit them, with the concurrence and assent of the agent of the Confederate States for the reserve Indians. Each reserve shall be of sufficient extent of arable and grazing lands, amply to supply their needs; and the bands may have one reserve together, or four separate reserves, as they may choose. The reserve or reserves shall, as far as practicable, be defined by the natural boundaries that may be described; and so far as this is not practicable, by permanent monuments and definite courses and distances; and full and authentic descriptions of the reserves shall be made out and reserved by the Confederate States.

Indians allowed to choose their own homes.

Extent of each reserve.

Reserves, how defined.

ARTICLE V. The said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall have the right to possess, occupy and use the reserve or reserves allotted to them as long as grass shall grow or water run; and the reserves shall be their own property, like their horses and cattle.

Right of property in reserve.

ARTICLE VI. The members of the said No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um shall have the right, during all time, to hunt and kill game in all the unoccupied part of said leased country without let or molestation from any quarter.

Hunting and killing of game.

ARTICLE VII. There shall be perpetual peace and brotherhood between the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and between each of them and all the other tribes and bands of the Ne-um and of the Wich-i-ta, Ca-do-ha-da-chos, Hue co, An-a-dag-ho, Ki-chai, Ai-o-nai, Ta-hua-ca-ro, Ton-ca-we, Shawnee and Delaware Indians, occupying reserves in the said leased country, and any other bands of the Ne-um that may hereafter settle in said leased country, and every injury or act of hostility which either has heretofore sustained at the hands of the other, shall be forgiven and forgotten forever.

Perpetual peace and brotherhood.

Injuries, &c., forgiven.

ARTICLE VIII. The said several tribes and bands of the Ne-um, and the said other tribes and bands, shall henceforth be good neighbors to each other, and there shall be free and friendly intercourse among them. And it is hereby agreed by the said four bands of the Ne-um, that the horses, cattle and other stock and property of every tribe or band, and every person of each, is his or its own, and that no one of said four tribes or bands, nor any person belonging to any one of them, shall or will hereafter kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

Tribes and bands to be good neighbors to each other.

Right of property in horses, cattle and stock.

ARTICLE IX. There shall be perpetual peace and brotherhood between each and all of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um, and the Cherokee, Mus-ko-ki, Seminole, Choctaw and Chickasaw Nations; and the chiefs and head men of each of the said bands shall do all in their power to take and return any negroes, horses or other property stolen from white men or from persons belonging to the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nations, and to catch and give up any person among them who may kill or steal or do any other very bad thing.

Perpetual peace and brotherhood between certain tribes and bands.

Return of stolen property.

Apprehension and delivery of wrong doer.

ARTICLE X. It is distinctly understood by the said four bands of the Ne-um, that the State of Texas is one of the Confederate States, and joins in this Convention, and signs it when the Commissioner signs it, and is bound by it; and that all hostilities and enmities between it and them are now ended, and are to be forgotten and forgiven forever on both sides.

Hostilities and enmities between the Indians and State of Texas, forgotten and forgiven.

ARTICLE XI. None of the braves of the said four bands of the Ne-um



No war to be waged or councils held, except with the consent of the agent. shall go upon the war-path, after they are settled upon reserves, against any enemy whatever, or as guides to any war-party, except with the knowledge and consent of the agent, nor hold any councils or talks with any white men or other Indians without his knowledge and consent.

Who may live among them. And the Confederate States will not permit improper persons to live among them, but only such persons as are employed by the Confederate States and traders licensed by them, who shall sell to the Indians and buy from them at fair prices, under such regulations as the President shall make.

The stealing of property to be considered disgraceful. ARTICLE XII. To steal a horse or any other article of property from another Indian or white man, shall hereafter be considered disgraceful, and the chiefs will discountenance it by every means in their power. For if they should not, there never could be any permanent peace.

White prisoners to be delivered up. ARTICLE XIII. If there should be among the No-co-nis, Ta-ne-i-wez, Ya-pa-rih-eas or Co-cho-tih-eas, any white prisoner or prisoners, it is agreed that they shall be delivered up when they come in to settle; and that if they can peaceably procure possession of any that may be held by any other band of the Ne-um, or by the Cai-a-was, or any other Prairie tribe, they will also bring them in, to be restored to liberty. And the Confederate States agree that if any prisoners are so brought in and restored, suitable rewards shall be given the band that brings them in, for doing so. But this article creates no obligation to deliver up Mexicans who may be prisoners.

Comanches held as prisoners to be delivered up and restored to their bands. ARTICLE XIV. The Confederate States also agree, that if there be any person or persons held as prisoners in Texas or any other of the Confederate States, or in the Cherokee, Mus-ko-ki, Seminole, Choctaw or Chickasaw Nation who are of the Ne-um or Comanches, that all such persons shall be set free and delivered up and restored to their band without charge or expense to the Ne-um.

The C. S. ask nothing of the Comanches except that they will settle upon the reserves, live peaceably, &c., and agree to furnish them with rations, stocks, agricultural implements, &c. ARTICLE XV. The Confederate States ask nothing of the bands of the Ne-um, except that they will settle upon their reserves, become industrious, prepare to support themselves, and live in peace and quietness; and in order to encourage and assist them in their endeavors to become able to support themselves, the Confederate States agree to furnish them rations of provisions in the same manner as they are now doing for the Wichitas and other tribes and bands settled upon reserves, to include also sugar and coffee, salt, soap and vinegar, for such time as may be necessary to enable them to feed themselves. They agree to furnish each of the said bands of the Ne-um with twenty cows and calves for every fifty persons contained in the same, and one bull for every forty cows and calves; and also other stock at the discretion of the superintendent when they desire to have the same; all of which animals shall be distributed by the agent to such persons and families as shall, in his judgment, be most likely to take care of them. And they also agree to furnish for the use of the said bands of the Ne-um, such number of draught oxen, wagons, carts, ploughs, shovels, hoes, pick-axes, spades, scythes, rakes, axes and seeds as may be necessary to enable them to farm successfully. They also agree to furnish the said bands of the Ne-um, annually, with such quantities as the agent shall estimate for, and the superintendent require, of all such articles as are mentioned and contained in schedule herunto annexed, marked A, to be issued and delivered to them by the agent.

Agency for the tribes and bands. ARTICLE XVI. The Confederate States will maintain one agency for the tribes and bands now settled upon the reserves in the said leased country, and for the said four bands and all the other bands of the Ne-um that may settle therein; which agency shall be kept either at the present agency house or some other convenient location, at which the agent shall continually reside; and they do promise the said four bands and all the other

bands of the Ne-um that may settle in reserves, that they shall never be abandoned by the agent, and that he shall not be often nor for any long time away from his agency.

ARTICLE XVII. The Confederate States will employ and pay one interpreter for all the bands of the Ne-um settled upon the reserves; and an additional blacksmith, another striker, and another wagon-maker, shall be employed for the bands of the Ne-um alone, when the said four bands of the Ne-um shall have come in and settle upon reserves. The interpreter, blacksmith, striker and wagon-maker shall reside with some one of the bands. The Confederate States will also furnish, from time to time, such tools and such supplies of iron, steel and wood as may be needed for the work of the said bands; and will also furnish them with medicines and medical advice, at the agency, where a physician shall be employed to reside, for their benefit exclusively. And they will also employ, for five years and as much longer as the President shall please, a farmer for each reserve, to instruct them in cultivating the soil, so that they may soon be able to feed themselves; and will erect such a number of horse-mills, to grind their corn, as the superintendent shall consider to be necessary, in order to accommodate all.

Inter pre ter,  
blacksmith, striker  
and wagon maker.

Tools and sup-  
plies of iron, steel  
and wood.  
Medicines and  
medical services.

Farmer for each  
reserve.  
Grist mills.

ARTICLE XVIII. The Confederate States also agree to erect such buildings for the mills, and the blacksmith shops, and houses for the farmers, interpreters and physicians as have been erected among the other Indian tribes, and also to assist the said Indians in building houses for themselves, and in digging wells for water, and opening their lands.

Ere ction of  
buildings.

ARTICLE XIX. The said four bands agree to remain upon their reserves, when they shall have settled thereon, and not, at any time, to leave them in order to make crops elsewhere. And, if they should leave them, the Confederate States shall not be bound any longer to feed them or make them presents, or give them any assistance.

Bands agree to  
remain upon their  
reserves.

ARTICLE XX. The Confederate States also agree to furnish each warrior of the said four bands, who has not a gun, with a flint-lock rifle and ammunition, which he agrees never to sell or give away, and the Confederate States will punish any trader or other white man who may purchase one from them.

Rifle and ammu-  
nition to be fur-  
nished each warrior.

ARTICLE XXI. The Confederate States will invite all the other bands of the Ne-um or Comanches to abandon their wandering life and settle within the leased country aforesaid; and do promise them, in that case, the same protection and care as is hereby promised to the tribes and bands now residing therein; and that there shall be allotted to them reserves of good land, of sufficient extent, to be held and owned by them forever; and that all the other promises made by these articles, shall be considered as made to them also, as well as to the tribes and bands now residing on reserves; and that the same presents shall be made to them, and assistance given them in all respects; and the same things, in all respects, are also hereby offered the Cai-a-was and agreed to be given them, if they will settle in said country, atone for the murders and robberies they have lately committed, and show a resolution to lead an honest life; to which end the Confederate States send the Cai-a-was, with this talk, the wampum of peace and the bullet of war, for them to take their choice, now and for all time to come.

Promises made  
by the C. S. to the  
Comanches, should  
they settle within  
the leased country  
and atone for  
crimes committed.

ARTICLE XXII. The Confederate States hereby guarantee to the members of the aforesaid four bands full indemnity for any horses or any other property that may be killed or stolen from them by any citizen of the Confederate States or by any other Indians: *Provided*, That the property, if stolen, cannot be recovered and restored, and that sufficient proof is produced, to satisfy the agent that it was killed or stolen within the limits of the Confederate States.

Indemnity for  
horses or other  
property killed or  
stolen.  
Proviso.



Payment to be made to the Seminoles for horses stolen, according to the annexed schedule.

ARTICLE XXIII. The Seminoles having asked the Confederate States to pay them for certain horses stolen from them by some of the Ne-um, two years ago, and which the United States were bound to pay for if they could not be recovered, the Confederate States have accordingly agreed to do so, at the time of making the treaty lately with the Seminoles; and they do hereby agree, in order that the Neum may not hereafter be troubled about the horses so taken, to pay for them the sums, and to the persons, mentioned in the schedule thereof hereunto annexed; but as the Seminoles allege that one or more of their horses is now here in the possession of some of the No-co-ni, Ta-ne-i-weh, Ya-pa-rih-ca or Co-cho-tih-ca band of Ne-um, it is agreed that, if it be so, such horse or horses shall be given up, and the person in possession shall be compensated for the loss of the same. To this end, the Chiefs will let the Seminoles see all their horses; and, after this time, it is distinctly understood that no one can get any right to property by stealing it, and that no compensation will ever again be made to any one who has given up stolen property. And the Confederate States do hereby agree with the several persons from whom horses were stolen, and the heirs of such of them as are deceased, and whose names are found in the said schedule B, hereunto annexed, that they will pay, immediately upon the ratification of this treaty, through the agent for the Seminoles, the amount of loss sustained by each respectively, according to the said schedule, except for such horses as may be returned as above provided for and noted as returned on the said schedule.

Settlement of difficulties between the bands on account of injuries to persons or property.

ARTICLE XXIV. If any difficulty should hereafter arise between any of the said four bands or any of their members, or between any of them and any of the other tribes or bands settled on reserves, in consequence of the killing of any one, of the stealing or killing of horses, cattle or other stock, or of injury in any other way to person or property, the same shall be submitted to the agent of the Confederate States, who shall settle and decide the same equitably and justly, to which settlement all parties agree to submit, and such atonement and satisfaction shall be made as he shall direct.

No private revenge or retaliation to be taken for injuries.

ARTICLE XXV. In order that the friendship which now exists between the said several tribes and bands of Indians, now or hereafter settled in the said leased country, and the Choctaws and Chickasaws and the people of the Confederate States, may not be interrupted by the conduct of individuals, it is hereby agreed, that if any white man or any Choctaw or Chickasaw injures an Indian of any one of said tribes and bands, or if any one them injures a white man or a Choctaw or Chickasaw, no private revenge or retaliation shall take place, nor shall the Choctaws or Chickasaws try the person who does the wrong, and punish, him in their courts, but he shall be tried and punished by the Confederate States; and the life of every person belonging to said tribes and bands shall be of the same value as the life of a white man; and any Indian or white man who kills one of them without cause, shall be hung by the neck until he is dead.

Offenders to be tried and punished by the C. S.

Punishment for killing without cause.

Peace and friendship between the C. S. and such of the bands as continue to live as they have heretofore.

ARTICLE XXVI. In case either of the bands of the Ne-um, with whom this convention is made, should not consent to come in and settle, and should prefer to continue to live as they have heretofore, then there shall still be peace and friendship between them and the people of the Confederate States, and the Cherokees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and all the tribes and bands settled upon reserves in the country aforesaid; and all of the same shall travel, without injury or molestation, through the hunting grounds of the Ne-um, and shall be treated with kindness and friendship.

Texan troops to be withdrawn.

ARTICLE XXVII. It is further hereby agreed by the Confederate States, that all the Texan troops now within the limits of said leased country shall be withdrawn across Red river, and that no Texan troops shall here-



after be stationed in forts or garrisons in the said country, or be sent into the same, except in the service of the Confederate States and when on the war-path against the Cai-a-was or other hostile Indians.

ARTICLE XXVIII. It is further agreed by the chiefs and head men of the bands of the Ne-um who have signed this convention, that upon their return to their bands they will take this talk and the wampum of peace from the Confederate States and from the Mus-ko-kis, Seminoles, Choc-taws and Chickasaws, to the bands of the Ne-um, and tell them what they have seen and heard, and persuade them also, if they can, to come in and settle upon reserves in the leased country, and at any rate to make peace by the time when the leaves fall before the next snows.

ARTICLE XXIX. It is agreed by the parties, that the making of this Convention shall in no wise interrupt the friendly relations between the Ne-um and the people of Mexico; and that the Confederate States desire that perfect peace should exist between the Ne-um and all the Mexicans.

ARTICLE XXX. This convention shall be obligatory on the bands whose chiefs and head men sign the same from the day of its date, and on the Confederate States from and after its ratification by the proper authority.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, of the Confederate States of America to the Indian nations and tribes west of Arkansas, for and on behalf of the said Confederate States, doth now hereunto set his hand and affix the seal of his arms; and Wi-na-li-hi or the Drinking Eagle, Chief of the No-co-ni band of the Ne-um, and the undersigned head men of the same, for and in behalf of that band; and the same Wi-na-li-wa, Chief of the No-co-nis, by special authorization and direction of Po-ho-wi-ti-quas-so, or Iron Shirt, the Chief of the Ta-ne-i-weh band of the Ne-um, who has been present but is now absent mourning for a relative deceased, with Ke-e-na-toh-pa a head man of the Ta-ne-i-weh band, for and on behalf of the same; and Te-hi-a-quah, Chief of the Ya-pa-rih-ca band of the Ne-um, with the undersigned head men of the same, for and on behalf of the Ya-rih-ca band; and Ma-a-we, Chief of the Co-cho-tih-ca band of the Ne-um, with the undersigned head men of the same, for and on behalf of the Co-cho-tih-ca band, do now hereunto respectively set their hands and affix their seals.

Done at the Wichita Agency aforesaid, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations and tribes west of Arkansas.*

QUI-NA-HI-WI,

*Principal Chief of the Noconi Band.*

O-TE,

*Sub-Chief of the Noconis.*

KE-PA-HE-WA,

*Sub-Chief of the Noconis.*

CHO-O-SHI,

*Retired Chief of the Noconis.*

PO-HO-WI-TI-QUAS-SO,

*Principal Chief of Ta-ne-i-weh Band, by*

QUI-NA-HI-WI,

*Principal Chief of the Noconi Band.*

KE-E-NA-TOH-PA,

*Sub-Chief of the Te-ne-wei Band.*

TE-III-A-QUAH,

*Chief of the Ya-pa-rih-ca Band.*

BIS-TE-VA-NA,

*Principal Chief of the Ya-pa-rih-ca Band.*

PE-HAI-E-CHI,

*Chief of the Ya-pa-rih-ca Band.*

MA-A-WE,

*Principal Chief of the Co-cho-tih-ca Band.*

CHO-CO-RA,

*Chief of the Co-cho-tih-ca Band.*

TE-CO-WE-WIH-PA,

*Chief of the Co-cho-tih-ca Band.*

Signed, sealed and copies exchanged in presence of us.

WM. QUESENBURY,

*Secretary to the Commission.*

E. RECTOR,

*Superintendent of Indian Affairs for the Confederate States.*

M. LUPER,

*Agent of the Wichita and affiliated bands of the Confederate States.*

MOTY KINNAIRD,

*Principal Chief of the Mus-ko-kie.*

JOHN JUMPER,

*Principal Chief of the Seminoles.*

CHILLY MCINTOSH,

ISRAEL G. VORE,

W. WARREN JOHNSON,

W. L. PIKE,

JESSE CHISHOLM,

H. P. JONES,

CHARLES B. JOHNSON,

J. J. STURM,

WM. SHIRLEY,

WM. H. FAULKNER.

The Indian names are subjoined marks.

#### Schedule A.

#### SCHEDULE A.

Of articles of merchandise, &c., agreed to be furnished annually, under the foregoing Convention, to the Comanches, Wichita, Huecos, Cado, Hadachos, Anadagheos, Tahuacaros, Kichais, Aionais, Shawnees and Delawares living in reserves in the country leased from the Choctaws and Chickasaws.

Blue drilling, warm coats, calico, plaid check, regatta cotton shirts, woolen shirts, beads, camp kettles and forks, nails, augers, chopping axes, locks, hats, white drilling, brown domestic, thread, yarn and twine, ribbons, assorted colors, combs, butcher knives, large iron-spoons, hatchets and hammers, gimlets, fish-hooks, red, white and blue blankets, red and blue list cloth, shawls and handkerchiefs, shoes for men and women, tin-cups and buckets, coffee-pots and dippers, needles, scissors and shears, ammunition, including powder, lead, flints and percussion caps, tobacco.

This is schedule A, of the treaty with the four bands of the Ne-um, to which it is annexed as part thereof.

ALBERT PIKE, *Commissioner.*

#### Schedule B.

#### SCHEDULE B.

Of the citizens of the Seminole Nation who are to be paid under the 23d article of the foregoing treaty for the horses stolen from them by the Comanches and other tribes of Indians; and of the amounts to be paid for horses stolen by marauding bands of the Prairie Indians, in November, 1859, and November, 1860.

Names of claimants.	Number of horses stolen.	Value of horses stolen.	Amounts to be paid.
Pas-co-fa.....	6	2 at \$75 each,	\$150
		3 " 50 "	150
		1 " 70 "	70, \$370
Jenny.....	4	1 " 60 "	60
		1 " 50 "	50
		1 " 40 "	40
		1 " "	80, 230
Amount carried forward.....			\$600

## SCHEDULE B.—CONTINUED.

Schedule B.

Names of claimants.	Number of horses stolen.	Value of horses stolen.	Amounts to be paid.
Amount brought forward, ..			\$600
O-i-cus Hacho.....	2	1 at	\$65
		1 "	50, 115
Cho la Fic si-co.....	1		50, 50
Fos Hut-chi.....	6	1	75
		1	55
		2 " 40 each.	80
		2 " 50 "	100, 290
Api-i-ca.....	2	1	50
		1	35, 85
Ki-tis-ti a-ni.....	3	2 " 50 each.	100
	1	20	20, 120
I-o-fa-la Fic-si-co.....	1	1	75
Ka-pit-cha Tust-i-nuc-ochi..	2	1 " 60	60
		1 " 40	40, 100
A-i-ma-mi.....	3	1 " 30	30
		2 " 16 each.	32, 62
	2	2 " 60 "	120
Fic-lum-mi.....			75
Hal-pa-ta Fic-si-co.....	1		100
Toh-kul-ka.....	2	2 at 50 each.	
Pa-ho-si.....	2	1 " 60	
		1 " 40	100
Mary.....	2	Mare and colt.	50
Kat cha Ha-cho-chi.....	2	1 at 50	
		1 " 40	90
Fos Hut-chi Hacho.....		1 " 40	40
Ni-ha Fic-si-co.....	2	2 " 40	80
Ta-co-sa Hacho.....	1	1 " 50	50
Kat-cho-chi.....	2	1 " 40	40
		1 " 20	20, 60
Nalth-ka-put Tus ti-nuk-ki..	6	1 " 30	
		1 " 35	
		1 " 40	
		1 " 25	
		2 " 20 each.	40, 170
Su-ho-tah-ki.....	8	3 " 30 "	90
		3 " 25 "	75
		1 " 20 "	20
		1 " 10 "	10, 195
George Cloud.....	1		45
Fos hut-chi Co-cho-ni.....	5	1 " 50	
		1 " 60	
		1 " 35	
		1 " 25	
		1 " 20	190
Sup-pa-ho-ho-yi.....	3	1 " 50	
		1 " 45	
		1 " 35	130
Kat-cha Fic-si-co.....	2	1 " 60	
		1 " 50	110
Oc-tai-ab-chi.....	2	1 " 50	
		1 " 30	80
Sen-wi-i-ca.....	4	2 " 40 ea.	80
		1 " 35	35
		1 " 20	20, 135
Pa-hos Hacho.....	1		45
Pa-lut-ho-ho-eyi.....	1		50
Tus-ti-nuk Chap-co.....	2	1 " 45	45
		1 " 30	30, 75
			\$3,487.

Received of Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, the sum of forty dollars in full pay-



ment of the within mentioned amount of forty dollars agreed to be paid to me.

Witness:

W. WARREN JOHNSON.

FOS-HUT-CHI HACHO,

This and the two preceding folios are Schedule B, of the treaty with the four bands of the Ne-um, to which they are annexed as a part thereof.

ALBERT PIKE, *Commissioner.*

Dec. 21, 1861.

#### RATIFICATION.

Ratification by  
Congress of the  
foregoing treaty.

*Resolved*, (two thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a Convention made by Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the No-co-ni, Ta-nie-we, Co-cho-tih-ca and Ya-pa-rich-ca Bands of the Ne-um or Camanches of the Prairies and Staked Plain, by their Chiefs and head men, who signed the same articles, of the other part, concluded at the Wichita Agency, near the False Washita river, in the country leased from the Choctaws and Chickasaws, on the twelfth day of August, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendments, to-wit:

Amendments.

1st. In the last paragraph of article thirteen where occur the words, "but this article creates no obligation to deliver up Mexicans who may be prisoners." Strike out all after the words "up" and insert in lieu thereof the following words: other prisoners than inhabitants of the Confederate States or Territories thereof.

2d. Strike out all of article twenty.

3d. Strike out all of article twenty-seven.

# TREATY WITH THE OSAGES,

OCTOBER 2, 1861.

## ARTICLES OF A CONVENTION

*Entered into and concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an Act of the Congress in that behalf, of the one part, and the Great Osage Tribe of Indians, by its Chiefs and Headmen, who have signed these articles, of the other part.* October 2, 1861.

ARTICLE I. The Great Osage Tribe of Indians and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war, forever, and agree to be true and loyal to them under all circumstances. The Osage under the protection of the C. S.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Great Osage Tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever. The C. S. assume the protection.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Great and Little Osage Tribes of Indians the exclusive and undisturbed possession, use and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the second day of June, in the year of our Lord, one thousand eight hundred and twenty-five, as being thus bounded, that is to say: Beginning at a point due east of White Hair's Village, and twenty-five miles west of the western boundary line of the State of Missouri, fronting on a north and south line, so as to leave ten miles north and forty miles south of the point of said beginning, and extending west, with the width of fifty miles, to the western boundary of the lands ceded and relinquished by said nations by that treaty, which lands shall not be sold or ceded by the said tribes, nor shall any part thereof, to any nation or people, except to the Confederate States, or to any individuals whatever; and the same shall vest in the Confederate States, in case the said tribes become extinct or abandon the same. The Osages to have the possession and use of the country secured to them by the treaty with the U. S.

Boundaries.

Reservation of  
lands for Indian  
agency.

ARTICLE IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, a tract of two sections of land, as a reserve and site for an agency for the said tribes, which shall revert to the said tribes whenever it shall cease to be occupied for an agency.

Establishment of  
forts and military  
posts.

ARTICLE V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person or persons have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

Proviso.

Persons not to  
settle upon the  
agency reserve,  
nor upon any re-  
serve for forts, &c.

ARTICLE VI. No person whatever, shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency or the forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

Free navigation  
of water courses.

ARTICLE VII. The Confederate States shall forever have the right of free navigation of all navigable streams and water courses, within or running through the country hereby assured and guaranteed to said tribes.

The Osage coun-  
try not to be in-  
cluded within the  
bounds of any  
State or Territory,  
or to be under the  
laws thereof.

ARTICLE VIII. The Confederate States hereby guarantee that the country hereby secured to said Great and Little Osage Tribes shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

Protection  
against other  
tribes or persons.

Hunting and  
killing of game.

ARTICLE IX. The members of the said Great and Little Osage Tribes of Indians shall have the right, henceforward, of hunting and killing game, in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States.

Perpetual peace  
and brotherhood  
between the  
Osages and other  
tribes.

ARTICLE X. There shall be perpetual peace and brotherhood between the Great and Little Osage Tribes of Indians, and the Cherokees, Muskogees, Seminoles, Choctaws and Chickasaws, and the bands of Wichitas, Cado Hadachos, Huecos, Tawacaros, Anadaghecos, Toncawes, Kichais, Aionais, Shawnees and Delawares, living in the country leased from the Choctaws and Chickasaws, and the Penetegheca, Noconi, Taneive, Yaparilheca and Cochotilheca bands of the Neun or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

Injuries, &c., to  
be forgiven and  
forgotten.

The Osages and  
other nations to be  
good neighbors to  
each other.

ARTICLE XI. The Great and Little Osage Tribes of Indians, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Great Osage Tribe, as has already been agreed by all the others except the Little Osage Tribe, that the horses, cattle and other stock and property of each nation, tribe or band, and of every person of each, is his or its own; and that no person belonging to the Great Osage Tribe shall, or will hereafter, kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm.

Right of prop-  
erty in horses, cat-  
tle and stock.

Perpetual peace

ARTICLE XII. Especially there shall be perpetual peace and friendship



between said Great Osage Tribe and the Cherokees, Mus-ko-kies, Seminoles, Choctaws and Chickasaws, and the Chiefs and headmen of the said Great Osage Tribe shall do all in their power to take and restore any negroes, horses or other property stolen from white men, or from persons belonging to either of said five nations, and to catch and give up any person among them, who may kill or steal, or do any other evil act.

and friendship  
with the Cherokees  
and other Indian  
nations.

Return of stolen  
property.

ARTICLE XIII. In order that the friendship now established between the said Great Osage Tribe of Indians and the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaint shall be made by the said Great Osage Tribe of Indians, when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and, if he finds it well-founded, shall report the same to the Superintendent, who will cause the wrong to be redressed, and the person or persons doing the wrong to be arrested, whether he be a white man or an Indian: and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity as if the injury had been done to a white man. And it is also agreed, that if any member of the Great Osage tribe shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence agreeably to the laws of the Confederate States, or of the State, Territory or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States, or of such State, Territory or nation would be, if he had committed the same offence.

No private re-  
venge or retaliation  
to be taken  
for injuries done to  
the Osages.

Mode of redress.

Trial and pun-  
ishment of wrong  
doer.

Redress for in-  
juries done by the  
Osages.

Proviso.

ARTICLE XIV. It is hereby further agreed that the Chiefs of the Great Osage tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian tribe under the protection of the Confederate States by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If in any case the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Great Osage tribe, he shall so report to the superintendent, with a copy of the testimony; which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

Horses or other  
property stolen to  
be returned to  
owner.

Proceeding  
where right to  
property is con-  
tested.

Appeal.

When restitution  
cannot be made  
the value of the  
property stolen to  
be deducted from  
the annuity of the  
tribe.

ARTICLE XV. The Confederate States hereby guarantee full and fair payment to the owner, of the actual and full value of all horses and other property stolen from any person or persons belonging to the Great Osage tribe, by any citizen of the Confederate States, or by any Indian of any

When the value  
of the property  
stolen will be paid  
by the C. S. to the  
owner.

other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any of such nations or tribes, that such property was actually stolen by a citizen, or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

Agent and interpreter.

ARTICLE XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Great and Little tribes of Osages, for their protection and that their complaints may be heard by, and their

Where to reside.

wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the inter-

Not to be absent without leave.

preter shall reside among either the Great or Little Osages; and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

No war to be waged or councils held, except with the consent of the agent.

ARTICLE XVII. None of the braves of the Great Osage tribe shall go upon the war-path, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and, committing murder, robbery, or other outrage when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, or with the officers or agents of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

Who may live in the Osage country.

ARTICLE XVIII. The Confederate States will not permit any improper persons to reside or be in the Great or Little Osage country, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the Osages and buy from them, at fair prices, under such regulations as the President shall make from time to time.

The stealing of property regarded as disgraceful.

ARTICLE XIX. To steal a horse or any other article of property from a white man or an Indian not at war with the Confederate States, shall always be regarded as disgraceful, and the Chiefs of the Osages will discomtenance and prevent it by every means in their power. For if they should not there never could be any permanent peace.

The C. S. wish the Osages to settle upon their lands, build houses, &c., and agree to furnish them with stock, farming implements, &c.

ARTICLE XX. The Confederate States wish the Osages to settle upon and cultivate their land, build houses and dig wells, and by industry become enabled to support themselves; and in order to encourage and assist them and because of the chattels and articles promised to the Great Osages and and Little Osages by the treaty of the eleventh day of January, A. D., one thousand eight hundred and thirty-nine, a considerable portion never was furnished them, to-wit: twelve hundred hogs, seven hundred ploughs, seven hundred sets of horse-gear, eight hundred axes, and eight hundred hoes, the Confederate States agree to give them twelve hundred breeding hogs, fifty yoke of oxen with ox-wagons, horse-gear, ploughs, yokes, axes, spades and hoes, and other useful implements, to the value of fifteen thousand dollars, at the first cost in the place in the Confederate States where the same shall be purchased; of which stock, nine hundred hogs, forty yoke of oxen, and such implements as aforesaid to the value of eleven thousand dollars shall be given to the Great Osages, and the residue to the Little Osages if they unite in this treaty. But such stock and implements shall only be issued from time to time, and to such persons as shall be reported by the agent to the superintendent to be engaged or ready to engage in farming, and who will take care of and profitably use the same, and be benefitted by them, and not sell, waste or destroy the same; upon which reports, and so only, the superinten



dent shall cause the issue to such persons only, of so much of said stock, and so many of said implements as he would be entitled to upon a distribution of all *per capita*; and it shall be the duty of the Chiefs and of the agent to see that what is so issued is not destroyed or wasted; and if waste or destruction can in no otherwise be prevented, to reclaim the same and issue them elsewhere.

ARTICLE XXI. The Confederate States also agree to build and put in running order a grist and saw mill, at some suitable point in the Osage country, and to employ a miller for each mill for the term of nine years from the date of this treaty, and an assistant to each for the same time; the latter to be selected from the Osage Nation, and each of them to receive two hundred and twenty-five dollars per annum as his compensation; and each miller shall be furnished with a dwelling house; this article being agreed to by the Confederate States because the mill erected by the United States, under the treaty of the year one thousand eight hundred and thirty-nine, was burned down after being in operation only six years.

Building of grist and saw mills and the employment of millers and assistants.

Compensation of millers and assistants.

ARTICLE XXII. The Confederate States also agree, that the agent for the Osages shall be authorized to employ, for and during the term of ten years from the day of the signing of this treaty, ten agricultural and other laborers, to assist the Great and Little Osages in opening and preparing for cultivation their fields, and building their houses, who shall be, at all times, under the control and direction of the agent.

Agent to employ agricultural and other laborers.

ARTICLE XXIII. For the same purpose, the Confederate States will also provide, furnish and support for and during the term of twenty years from the date of this treaty, for the Great Osages upon and after the ratification of this treaty, and for the Little Osages when they shall become parties to this treaty, to each a blacksmith and an assistant who shall be one of their own people, and for each, annually, a sufficient supply of coal, with five hundred pounds of iron and sixty pounds of steel to the blacksmith for the Great Osages, and two hundred and fifty pounds of iron and twenty-five pounds of steel to the blacksmith for the Little Osages, that their farming utensils, tools and arms may be seasonably repaired; and also one wagon-maker for each; and will furnish each smith and wagon-maker with the necessary tools and with a shop, and the wagon-maker with the necessary wood and other materials from time to time.

Blacksmith and assistant.

Coal, iron and steel.

Wagon-maker.

Tools and shop to smith and wagon-maker, and wood, &c., for the latter.

Medicines and medical service.

ARTICLE XXIV. The Confederate States will also furnish, at proper places, the Great and Little Osages with such medicines as may be necessary, and will employ a physician for each, who shall reside among them, during the pleasure of the President.

ARTICLE XXV. The Confederate States also agree to furnish each warrior of said Great Osage tribe, who has not a gun, with a good rifle and a supply of powder and lead and percussion caps or flints, as soon as it may be found practicable. The arms and ammunition are never to be given away, sold or exchanged, and the Chiefs will punish any one who so disposes of either; and the Confederate States will severely punish any trader or other white man who may purchase either from them.

Rifle, ammunition, caps, &c., to be furnished each warrior.

ARTICLE XXVI. No State or Territory shall ever pass laws for the government of the Osage people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden.

The Osages left free to govern themselves.

Proviso.

ARTICLE XXVII. Every white man who marries a woman of the



White man who marries a woman of the Osages deemed to be an Osage, so far as to be subject to the laws of the tribe.

Negroes and mulattoes in like manner subject to the laws of the tribe.

Military and other roads.

Compensation for property used or injured.

Granting of right of way for railroads.

Intrusions and settlement upon the lands of the Osages to be prevented.

Purchasers from the Osages of articles given them by the U. S., to be punished.

The Osages may allow other Indians to settle among them.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

Fugitives from justice to be surrendered.

Laws declared to be in force in the Osage country.

Osages, and resides in the Osage country, shall be deemed and taken, even after the death of his wife, to be an Osage and a member of the tribe in which he resides, so far as to be subject to the laws of the tribe in respect to all offences committed in its country against the person or property of another member of the tribe, and as not to be considered a white man committing such offences against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offence in said country shall, in like manner, be subject to the laws of the tribe.

ARTICLE XXVII. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Osage country, as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ARTICLE XXIX. The Confederate States may grant the right of way for any railroad through any part of the said country; but the company to which any such right may be granted shall pay the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

ARTICLE XXX. The agent of the Confederate States for the Osages and other bands shall prevent all intrusions by hunters and others, upon the lands of the Osages, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that country shall be required to afford him such aid upon his requisition.

ARTICLE XXXI. If any trader or other person should purchase from any Osage any of the cattle or other chattels or articles given him by the Confederate States, he shall be severely punished.

ARTICLE XXXII. The Great and Little Osages may allow persons of any other tribe of Indians to settle among them, and may receive from them for their own benefit compensation for such lands as they may sell or assign to such persons.

ARTICLE XXXIII. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Osages; but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

ARTICLE XXXIV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State, or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Osage country, shall be promptly taken and delivered up by the Chiefs of the Osages, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXXV. In addition to the laws of the Confederate States expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law

or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves shall be in force in the Osage country; and the district court for the Chalahki district, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Jurisdiction of the district court of the Chalahki district.

ARTICLE XXXVI. Whenever any person who is a member of the Great or Little Osage tribe shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled as of common right to subpoena, and if necessary to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court and paid upon the certificate of the judge.

Any member of the Osage tribe indicted in any court of the C. S. or State court entitled to process for witnesses.

Costs of process and fees and mileage of witnesses.

When accused may be assigned counsel.

ARTICLE XXXVII. It is hereby declared and agreed that the institution of slavery in the said Great and Little Osage tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of the said tribes, shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from any of said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same, being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

Existing laws, usages and customs in regard to slavery, declared binding.

Laws of the C. S. for the capture and delivery of fugitive slaves, to apply.

ARTICLE XXXVIII. The Great Osage Tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests hereby agrees to raise and furnish, whenever they shall be called on, a force of five hundred men for the service of the Confederate States, or any less number, who shall receive the same pay and allowances as other troops of the same class in that service, and remain in the service as long as the President shall require; and, also, to furnish any number of young men for scouts and runners, required by any general or other commanding officer of the Confederate States in the Indian country, who shall receive such compensation as such officer shall fix.

The Great Osage Tribe makes itself a party to the existing war and agrees to furnish men for the service.

Pay and allowances of the men.

How long to serve.

Scouts and runners.

Compensation.

ARTICLE XXXIX. In consideration of the loyalty of the Great



The C. S. agree to expend for said tribe \$15,000 annually for twenty years.

How fund to be applied.

Osage Tribe, and of their readiness to place themselves under the protection of the Confederate States, and of their poverty, and of the great losses in horses and other property, sustained by them at the hands of lawless persons for many years, the Confederate States do hereby agree to expend for the benefit of the Great and Little Osage Tribes, for the full term of twenty years from the date of this treaty, the sum of fifteen thousand dollars annually, of which sum five thousand dollars per annum shall be added to the interest on the school fund of the nation, hereinafter provided for, and ten thousand dollars shall be divided fairly in each year, after the Little Osage Tribe shall have united in this convention, between the two tribes in proportion to the number of souls in each; and the said sum of ten thousand dollars shall, in each year, be applied by the Superintendent to the purchase of such articles of clothing household utensils, blankets and other articles, as shall tend to the comfort of the Osages, and encourage them in their endeavors to improve, and which articles the agent shall distribute among them, in the same manner, and nearly as possible, as moneys would be distributed *per capita*: *Provided*, That in the distribution any person may be excluded by him, if reported by the chiefs to be worthless, idle or dissolute, or a bad and mischievous person; and that he may do the same upon his own knowledge, taking care, as far as may be, that only the good and worthy shall be the recipients of the bounty of the Government of the Confederate States.

Proviso.

Reservation and sale of land of the Osages for the support of schools.

ARTICLE XL. It is hereby agreed and ascertained, that by the sixth article of the treaty with the Great and Little Osages, of the second day of June, A. D., one thousand eight hundred twenty-five, it was agreed that from the lands ceded and relinquished by the Osages by that treaty, a reservation should be made of fifty-four tracts of land, of a mile square each, to be laid off under the direction of the President of the United States, and sold for the purpose of raising a fund to be applied to the support of schools, for the education of the Osage children, in such manner as the President might deem advisable for the attainment of that end; that fifty-four sections of land were accordingly selected, and afterwards sold, and the proceeds of the same amounted to thirty-one thousand seven hundred and twenty-four dollars and two cents, which sum remains invested as follows, that is to say:

Proceeds of sale; how invested.

In six per cent. stock of the State of Missouri, seven thousand dollars;

In United States six per cent. loan of one thousand eight hundred and forty-two, twenty-four thousand six hundred and seventy-nine dollars and fifty-six cents;

And in United States six per cent. loan, of one thousand eight hundred and forty-seven, forty-four dollars and forty-six cents;

And as it will be useless for the Osages hereafter to expect anything from the justice of the United States, and the Confederate States do not desire that they should hereafter look to that quarter for any moneys;

Annual interest on said sums to be paid by the C. S.

It is, therefore, further hereby agreed, that the Confederate States will hereafter pay, annually, on the first day of January in each year, perpetually, commencing with the year one thousand eight hundred and sixty-two, for the benefit of the Great and Little Osage Tribes, the sum of one thousand nine hundred and three dollars and forty-four cents, being the annual interest on said sums of money so as aforesaid in United States stocks and stocks of the State of Missouri, at the rate of six per cent. per annum, and will look to the State of Missouri for the payment of the principal and interest of said sum of seven thousand dollars, as invested in stocks of that State. To which sum shall be



annually added, on the same day, commencing with the same year, the sum of five thousand dollars, part of the annuity provided for in the xxxix. article of this treaty, and the whole shall be applied by the agent to the support and maintenance of the Osage manual labor school, now in operation at the mission on the Neosho river, as the said interest has heretofore been applied.

Additional payment under article xxxix. of this treaty.

Whole to be applied to support of Osage manual labor school.

Dedication of land to the school.

ARTICLE XLI. A tract of land of the quantity of two sections, or two tracts of one section each, to be selected by the agent of the Confederate States for the Osages and other tribes, and in which or one of which, the present site of the mission and its buildings is to be included, is hereby forever dedicated to the use of the Osage manual labor school, to be under the exclusive control of those who have charge of that institution, and for its exclusive use; and not to be sold or disposed of, or applied to any other use or purpose whatsoever.

ARTICLE XLII. All just claims and demands against the United States, of the Great Osage Tribe, or of any individual or individuals thereof, not herein specified, arising or due under former treaties with the United States, are hereby assumed, and shall, after the restoration of peace, be investigated by the President, and so far as they are found to be just, shall be paid in full by the Confederate States; and all provisions of the several treaties with the United States, made by the Osages, under which any rights or privileges were secured or guaranteed to the Great Osage Tribe, or to any individual or individuals of the same, and the place whereof is not supplied by any provision of this treaty, and the same not being obsolete or no longer necessary, and so far as they are not annulled, repealed, changed or modified by subsequent treaties or statutes, or are not so by this treaty, are hereby continued in force, as if the same had been made with the Confederate States.

Claims of the Great Osage Tribe against the C. S., under former treaties continued in force as if the treaties were made with the C. S.

ARTICLE XLIII. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Great Osage Tribe, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, charged with any such offence, shall receive from the President full and free pardon, and if imprisoned, or held to bail, before or after conviction, shall be discharged.

General amnesty declared.

ARTICLE XLIV. The Confederate States of America hereby tender to the Little Osage Tribe the same protection and guarantees as are hereby extended and given to the Great Osage Tribe, and the other benefits offered them specifically by this treaty; and if the said Little Osage Tribe shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been made with them originally, and they be deemed and taken to be parties thereto, as if they were now to sign the same.

The C. S. tender to the Little Osage Tribe the same protection and guarantees as are extended and given to the Great Osage Tribe.

How the Little Osage Tribe may become a party to this treaty.

ARTICLE XLV. This convention shall be obligatory on the Great Osage Tribe of Indians from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

When this treaty to take effect.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and, the undersigned Chiefs and headmen of the Great Osage Tribe of Indians, do hereunto set their hands and affix their seals.

SEAL

## TREATY WITH THE OSAGES.

Thus done in duplicate, at the place and upon the day, in the month and year first aforesaid.

ALBERT PIKE,  
*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

KA-HI-KE-TUNG-KA,  
*Chief of Clermont Band Great Osages.*  
PA-HIU-SKA,  
*Chief of White Hair's Band.*  
CHI-SHO-HUNG-KA,  
*Chief of Big Hill Band.*  
HON-TAS-SAP-PE or BLACK DOG.  
*Chief of Black Dog's Band*  
SHA-PE-SHING-KA or BEAVER,  
*Second Chief of White Hair's Band.*  
WA-HI-KA CHE,  
*Second Chief of Clermont's Band.*  
TA-WAN-CHE-HE, or TALL CHIEF,  
*Second Chief of Big Hill Band.*  
WA-HO PEK-EH,  
*Second Chief of Black Dog's Band.*  
WA-TA-EN-KA, or DRY FEATHER,  
*Councillor of Clermont's Band.*  
KAN SE-KA-HRI,  
*Councillor of Big Hill Band.*  
KA HI-KE WA TA-EN KA,  
KA HI-KE HING-KA,  
CHI-SHO-WATA-ENG-KA,  
E E SHI KA-HRI,  
SRO-MEH-KAS-SI,  
NI-HI-KA HI-PA-NA,  
SA-PEH-KU-YEH,  
WA-A-HAN-HA,  
HA-KA-SHE,  
WA-NO-PAH-SHE,  
SHING-KAKA-HU-KE,  
WA-CHE-WA-HE,

NA-HIN-TA-PI,  
AH-KIH-TA-TUNG-KA,  
WAH-KAN-TA-C-SI-LEH.  
NI-KA-KA-HRI,  
SHA-A KE-TO-PA,  
TO-TI NA-HE,  
O-LO ING KA-SHI,  
KA-WA-SI,  
WA-SHA-SHI WA-SHA-ON-CHI,  
WA-HU-OMP-I,  
WA-AK-AN-CHI-LE,  
O-KI-PA-HRA.  
TRE-NOM-PA-SHI,  
A-KI-KO-SHA,  
WA-TO-KI-KA,  
O-SHANG-KE-TUNG-KA,  
CHE-E-SE-TUNG-KA,  
WA-TA-SHO-WE,  
I-KA-SHA-PE,  
A-NO-HRA-PI,  
MIN-CHE-EN-PA,  
WA-CHE-NA-SHI,  
MA-HING-KA-HE,  
T-N-WA-SHING-KA,  
MIINK-SHES-KA,  
TO-TA-NA-SHE,  
KA-WA-KA-HI-KI,  
MU KA KE-SHING KA,  
GESSO CHOUTAU,  
AUGUSTUS C PTAIN,  
LOUIS J. CHOUTEAU.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*  
E. RECTOR,  
*Superintendent of Indian Affairs.*  
*Confederate States.*  
ANDREW J. LORN,  
*Agent for Osages and other tribes,*  
*Confederate States.*  
LOUIS P. CHOUTEAU,  
*Confederate States Interpreter for*  
*Osages.*  
JOHN DREW,  
GEORGE M. MURRELL,  
J. W. WASHBOURNE,  
W. WARREN JOHNSON,

To the Indian names are subjoined marks.

## RATIFICATION.

Dec. 20, 1861.

Ratification by  
Congress of the  
foregoing treaty  
with the Great  
Osage Tribe.

*Resolved, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a convention made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Great*

Osage Tribe of Indians, by its Chiefs and headmen, who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the second day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment:

## AMENDMENT.

In article thirty-six, at the end of the words "or in a State Court," insert the following words: "Subject to the laws of the State." Amendment.



# TREATY WITH THE SENECA AND SENECA AND SHAWNEES.

OCTOBER 4TH, 1861.

## ARTICLES OF A CONVENTION

Oct. 4, 1861.

*Entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an act of Congress in that behalf, and the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by its Chiefs and warriors, who have signed these articles, of the other part.*

The Senecas and Shawnees under the protection of the C. S.

ARTICLE I. The Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees and all the persons of each, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and war forever, and agree to be true and loyal to them under all circumstances.

The C. S. assume the protectorate.

ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Seneca tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown or the mixed bands of Senecas and Shawnees, and to secure and defend them in the enjoyment of all their rights, possessions and property; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

Guarantee to the tribes of the country secured to them by treaties with and patents from the U. S.

ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Seneca tribe aforesaid, and to the Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown or the mixed bands of Senecas and Shawnees, in case the Senecas thereof should hereafter unite in this treaty, by a convention for that purpose made and concluded, or to the Shawnees thereof aforesaid alone, in case the said Senecas thereof should refuse so to unite herein, to each tribe or band respectively, the title in fee simple, as long as each, res-

pectively, shall exist as a nation and remain thereon, and the exclusive possession and undisturbed use, occupancy and enjoyment, as long as grass shall grow and water run, of the country heretofore secured to each respectively, by treaties with, and patents from, the United States of America; and which countries are thus described and ascertained, that is to say:

By the treaty with the Senecas of Sandusky made and concluded on the twenty-eighth day of February, A. D., one thousand eight hundred and thirty-one, a country was ceded and granted to that tribe, therein described as "a tract of land situate on and adjacent to the northern boundary of the lands heretofore granted to the Cherokee Nation of Indians, and adjoining the boundary of the State of Missouri, which tract shall extend fifteen miles from east to west, and seven miles from north to south, containing about sixty-seven thousand acres, be the same more or less."

By the treaty made and concluded with the mixed bands of Senecas and Shawnee Indians residing at and around Lewistown, on the twentieth day of July, in the same year, a country was ceded and granted to these bands therein described as "a tract of land to contain sixty thousand acres, to be located under the direction of the President of the United States, contiguous to the lands granted to the Senecas of Sandusky by the treaty made with them at the city of Washington, on the twenty-eighth of February, eighteen hundred and thirty-one, and the Cherokee settlements; the east line of said tract shall be within two miles of the west lines of the lands granted to the Senecas of Sandusky, and the south line shall be within two miles of the north line of the lands held by the Cherokees;" and by the treaty made and concluded on the twenty-ninth day of December, A. D., one thousand eight hundred and thirty-two, with the united nation or tribe of Senecas and Shawnees, by which that united tribe ceded, relinquished and quit—claimed to the United States all their lands west of the Neosho or Grand river, the United States agreed to grant by patent, in the manner hereinafter mentioned, the country therein described as follows, that is to say: "The following tract of land lying on the east side of Neosho or Grand river, viz: Bounded on the east by the west line of the State of Missouri; south by the present established line of the Cherokee Indians; west by Neosho or Grand river; and north by a line running parallel with said south line, and extending so far from the present north line of the Seneca Indians from Sandusky, as to contain sixty thousand acres, exclusive of the land now owned by said Seneca Indians, (which said boundaries include, however, all the land heretofore granted said Senecas of Sandusky, on the east side of Grand river;" and which country included within said boundaries, the United States thereby agreed to grant, by two letters patent; the north half, in quantity, to the mixed bands of the Senecas and Shawnees of Ohio, or of Lewistown, and the south half to the Senecas from Sandusky; the whole to be occupied, in common, so long as the said tribes or bands should desire the same, and the grant to be in fee simple, but the lands not to be sold or ceded without the consent of the United States; which lands shall not be sold or ceded by the said tribes or bands, nor shall any part thereof to any nation or people, except to the Confederate States, or to any individuals whatever, except as hereinafter provided; and the same shall vest in the Confederate States, in case the said tribes or bands, respectively, become extinct or abandon the same.

ARTICLE IV. The Seneca tribe of Indians aforesaid, and the Senecas and Shawnees alone, aforesaid, as the case may be, may respectively, by a majority vote of the whole people of each, respectively, receive and settle upon their

Lands not to be sold or ceded except to the U. S.

May receive as members of the tribe or permit to settle upon their



lands, the Indians incorporate, each in itself, as members of the tribe, or permit to settle of certain other and reside upon the lands of the tribe, such Shawnees of Kansas, or Indians tribes.

May sell or lease land to such Indians. may seem good; and may sell such Indians portions of land, in fee or by less estate, or lease them portions thereof for years or otherwise, and receive to its own use the price and consideration of such sales or leases; and it alone shall determine who are citizens of the tribe entitled to vote at elections, hold office or share the annuities or other moneys of the tribe or in the common lands: *Provided*, That when persons of another tribe shall once have been received as members of either of said tribes, they shall not be disfranchised or subjected to any other restrictions upon the right of voting, than such as shall apply to the Senecas or Senecas and Shawnees respectively, themselves. But no Indians of any other tribe or band than these shall be permitted to come within their country to reside without the consent and license of the people of each tribe respectively.

Who entitled to vote, hold office, share in annuities or the common lands.

*Proviso.*

**Reservation of land for Indian agency.** ARTICLE V. The right is hereby reserved to the Confederate States to select in any unoccupied part of the country of either of said tribes or bands, if they should desire to do so, a tract of land one mile square as a reserve and site for an agency, for the said tribes and for the Quapawa and Osages, which shall revert to the tribe in whose country it is selected with the buildings thereon, whenever it shall cease to be occupied as an agency.

**Forts and military posts.** ARTICLE VI. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post a tract of land one mile square, on which such fort or post shall be established: *Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

*Proviso.*

**No settlement permitted upon the agency reserve or the reserve for forts, &c.** ARTICLE VII. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by the permission of the agent, nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve, for the agency, or for forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States.

**The country of the tribes not to be included within the bounds of any State or Territory or to be under the laws thereof.** ARTICLE VIII. The Confederate States hereby guarantee that the country hereby secured to the said Senecas and Shawnees shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within any part of the said country; and the President of the Confederate States will cause the said tribes to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States.

**Protection against other tribes or persons.**

**Hunting and killing of game.** ARTICLE IX. The members of the said Seneca tribe and the said Seneca and Shawnee mixed bands shall have the right, henceforward, of hunting and killing game, in all the unoccupied country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being while so engaged therein under the protection of the Confederate States.

**Perpetual peace and brotherhood between the Senecas and Shawnees and other tribes.** ARTICLE X. There shall be perpetual peace and brotherhood between the Seneca tribe and the Shawnees aforesaid, and the Osages, Cherokees, Muskokes, Seminoles, Choctaws and Chickasaws and the bands of the Wichitas, Cado Hadachos, Hneecos, Ta-na-ca-ros, Ana-dagh-cos, Ton-ca-wes, Ki-chais, Ai-nais, Shawnees and Delawares living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Fa-



nei-we, Ya-pa-rih-ca and Co-cho-tih-ca bands of the Ne-um or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten.

ARTICLE XI. The Seneca tribe and the Shawnees aforesaid, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Seneca tribe and the said Shawnees, as has already been agreed by all the others, that the horses, cattle and other stock and property of each nation, tribe or band, and every person of each, is his or its own; and that no person belonging to the Senecas or Shawnees aforesaid, shall or will hereafter kill, take away or injure any such property of another tribe or band or of any member of any other tribe or band, or in any other way do them any harm.

ARTICLE XII. Especially there shall be perpetual peace and friendship between said Senecas and Shawnees aforesaid, and the Osages, Quapaws, Cherokees, Muskokis, Seminoles, Choctaws and Chickasaws; and the Chiefs and headmen of the said Seneca tribe and Shawnees shall do all in their power to take and restore any negroes, horses or other property stolen from white men or from persons belonging to either of said five nations; and to catch and give up any person among them who may kill or steal or do any other evil act.

ARTICLE XIII. In order that the friendship now established between the Seneca tribe and Shawnees, the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals, or bands of individuals, it is hereby agreed that for injuries done by individuals no private revenge or retaliation shall take place, but instead thereof complaint shall be made by the said Seneca tribe and Shawnees when any individual thereof is injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well founded shall report the same to the superintendent, who will cause the wrong to be redressed, and the person doing the wrong to be arrested, whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity, as if the injury had been done to a white man. And it is also agreed that if any member of the Seneca tribe or any one of the Shawnees shall do any injury to the person or property of any white man or of a member of any other Indian nation or tribe under the protection of the Confederate States, the offender shall be given up to the agent upon complaint made to him, and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence, agreeably to the laws of the Confederate States or of the State, Territory or nation against which he may have offended: *Provided*, That he shall be punished in no other manner nor with any greater severity than a citizen of the Confederate States or of such State, Territory or nation would be, if he had committed the same offence.

ARTICLE XIV. It is hereby further agreed that the Chiefs of the Senecas and of the Shawnees shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If in any case the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be retained or delivered up

Injuries, &c., to be forgiven and forgotten.

The Senecas and Shawnees and other tribes to be good neighbors to each other.

Right of property in horses, cattle, &c.

Perpetual peace and friendship with the Osages and other Indian nations.

Return of stolen property.

No private revenge or retaliation to be taken for injuries.

Made of redress.

Trial and punishment of wrong doer.

Redress for injuries done by the Senecas and Shawnees.

Proviso.

Horses or other property stolen to be returned to owner.

Proceeding where right to property is contested.

## Appeal.

accordingly. Either party may appeal from his decision to the superintendent, whose decision shall be final in all cases, the property, in the meantime, remaining in the custody of the agent. If, in any case, the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Seneca tribe or by any one of the Shawnees, he shall so report to the superintendent, with a copy of the testimony, which shall for that purpose be always reduced to writing; and the superintendent shall, if satisfied from the testimony, deduct from the annuity of the tribe a sum equal to the value of the property stolen.

Where restitution cannot be made the value of the property stolen to be deducted from the annuity of the tribe.

When the value of the property stolen will be paid by the C. S. to the owner.

ARTICLE XV. The Confederate States hereby guarantee full and fair payment to the owner of the actual and full value of all horses and other property stolen from any person or persons belonging to the Seneca tribe, or being of the Shawnees aforesaid, by any citizen of the Confederate States or by any Indian of any other nation or tribe under the[ir] protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the superintendent or any agent of the Confederate States for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States or by an Indian or Indians of any nation or tribe under their protection.

Agent and interpreter.

ARTICLE XVI. An agent for the Great and Little Osage tribes, the Quapaws, Senecas and Senecas and Shawnees shall be appointed by the President, and an interpreter for the Seneca tribe and one for the Shawnees for their protection, and that their complaints may be heard by, and their wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside continually among the people for whom he is employed, and neither of them shall ever be absent from their posts, except by the permission of the superintendent.

Where to reside.

Not to be absent without leave.

No councils to be held except with the consent of the C. S.

ARTICLE XVII. The Senecas and the Senecas and Shawnees shall hold no talks or councils with any white men or Indians without the knowledge and consent of the agent of the Confederate States. And they especially agree to attend no councils or talks in the country of any people or with the officers or agents of any people with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease.

Who may live in the country of the tribes.

ARTICLE XVIII. The Confederate States will not permit any improper persons to reside or be in the country of the Senecas, or in that of the Senecas and Shawnees, but only such persons as are employed by them, their officers or agents, and traders licensed by them, who shall sell to the said Indians and buy from [them] at fair prices, under such regulations as the President shall make from time to time.

Tribes left free to govern themselves.

ARTICLE XIX. No State or Territory shall ever pass laws for the government of the Seneca tribe or of the Seneca and Shawnee people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden.

Proviso.

White man who marries a woman of the Senecas or the Shawnees deemed to be a member of such tribe, so far as to

ARTICLE XX. Every white man who marries or has married a woman of the Senecas or of the Shawnees and resides in the Seneca or Seneca and Shawnee country, respectively, shall be deemed and taken even after the death of his wife, to be a member of the tribe in which he marries or has married, so far as to be subject to its laws in respect to all offences committed in its country against the person or property of another member of



the tribe and as not to be considered a white man committing such offence against the person or property of an Indian, within the meaning of the act of Congress of the Confederate States. And all negroes and mulattoes, bond or free, committing any such offence in said country shall, in like manner, be subject to the laws of the tribe.

be subject to its laws.

Negroes and mulattoes in like manner subject to the laws.

Military and other roads.

ARTICLE XXI. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Seneca or Seneca and Shawnee country as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made.

ARTICLE XXII. The Confederate States may grant the right of way for any railroad through any part of the Seneca or Seneca and Shawnee country; but the company to which any such right of way may be granted shall pay the tribe therefor through whose country any part of the road runs such sums as in the opinion of the President be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property to such amount in each case as commissioners appointed by the President shall determine.

Right of way for railroads.

Payment of damages to individuals.

ARTICLE XXIII. The agent of the Confederate States for the Osages and other tribes shall prevent all intrusions by hunters and others upon the lands of the Senecas and of the Senecas and Shawnees, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts in that or the adjoining country shall be required to afford him such aid upon his requisition.

Intrusions and settlement upon the land of the Senecas and Shawnees to be prevented.

ARTICLE XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians shall pasture stock on the lands of the Senecas or Senecas and Shawnees, but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and for no other.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe, under the protection of the Confederate States, escaping into the Seneca or Seneca and Shawnee country, shall be promptly taken and delivered up by the Chiefs of the Senecas or Senecas and Shawnees, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

Surrender of fugitives from justice.

ARTICLE XXVI. In addition to the laws of the Confederate States, expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality law, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves, shall be in

Laws declared to be in force.



Jurisdiction of force in the Seneca and the Seneca and Shawnee country; and the district court for the Chalahki District, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

Any Seneca or Shawnee indicted in any court of the C. S. entitled to process for witnesses.

ARTICLE XXVII. Whenever any person, who is a member of the Seneca or Seneca and Shawnee tribe, shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think

Costs of process and fees and mileage of witnesses.

material for his defence; and the costs of process for such witnesses and of the service thereof, and fees and mileage of such witnesses shall

When accused may be assigned counsel.

be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid, by the Confederate States, a reasonable compensation for his services, to be fixed by the court and paid up on the certificate of the judge.

Existing laws, usages and customs in regard to slavery declared binding.

ARTICLE XXVIII. It is hereby declared and agreed that the institution of slavery in the said Seneca and Seneca and Shawnee Tribes is legal, and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in either of the said tribes is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of either of the said tribes shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribes, which may be proved by oral evidence, and shall everywhere be held valid and binding within the scope of their operations. And if any slaves escape from either of the said tribes, the laws of the Confederate States for the capture and delivery of fugitive slaves shall apply to such cases, whether they escape into a State or Territory, or into any Indian nation or tribe under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same being, in every case, as complete as if they had escaped from a State, and the mode of procedure the same.

The tribes made a party to the existing war, and agree to furnish aid.

ARTICLE XXIX. The Seneca Tribe and the Shawnees of the Seneca and Shawnee Tribe, hereby make themselves parties to the existing war between the Confederate States and the United States of America, as the allies and wards of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agree to aid in defending their country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by them for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

Pay of the warriors.

How long to serve.

Debts due by the U. S. to the Seneca tribe.

ARTICLE XXX. It is further agreed and ascertained, by and between the Confederate States and the said Seneca Tribe of Indians, formerly known as the Senecas of Sandusky, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain indebted to the said Seneca Tribe, and had and still have in their hands moneys in trust for the said tribes, as follows, that is to say:

By the fourth article of the treaty made with the Wyandot, Seneca and other tribes of Indians, on the twenty-ninth day of September, A. D., one thousand eight hundred and seventeen, the United States agreed and bound themselves to pay annually, forever, to the Seneca tribe, the sum of five hundred dollars, in specie, at Lower Sandusky;

By the fourth article of the treaty made the seventeenth day of September, A. D., one thousand eight hundred and eighteen, with the Wyandot, Seneca, Shawnee and Ottawa tribes of Indians, the United States agreed and bound themselves to pay, to the Senecas of Sandusky, an additional annuity of five hundred dollars forever;

By the eighth article of the treaty with the Seneca Tribe of Sandusky, made on the twenty-eighth day of February, A. D., one thousand eight hundred and thirty-one, the United States agreed to sell the land thereby ceded to them by the said tribe, by that treaty; and it was that, after certain deductions therefrom to be made, as therein specified, any balance that might remain, of the proceeds of sale of such lands, should constitute a fund for the future exigencies of the tribe, on which the United States would pay to the Chiefs of the tribe, for the use and general benefit of the tribe, annually, five per centum as annuity; which sales being accordingly effected, the fund thus created amounted to five thousand dollars, which was invested by the United States, and yet remains invested, in five per cent. stock of the State of Kentucky, now held by the United States;

It is further hereby agreed and ascertained, by and between the Confederate States and the Shawnees, of the said Senecas and Shawnees of Lewistown, that the United States of America were, while the several States of the Confederacy were members of the same, and still remain, indebted to the mixed bands of Senecas and Shawnees, and had and still have in their hands moneys in trust for the said tribe, as follows, that is to say:

Debts due by the U. S. to the mixed bands of Senecas and Shawnees.

By the fourth article of the treaty, made with the Wyandot, Seneca, Shawnee and Ottawa tribes, on the seventeenth day of September, A. D., one thousand eight hundred and eighteen, the United States agreed and bound themselves to pay, "to the Shawnees and to the Senecas of Lewistown," an additional annuity of one thousand dollars forever;

By the eighth article of the treaty made with the mixed band of Seneca and Shawnee Indians, residing at and around Lewistown in the State of Ohio, on the twentieth day of July, A. D., one thousand eight hundred and thirty-one, the United States agreed to sell the lands ceded to them, by the Senecas and Shawnees, by that treaty; and it was also agreed that, after certain deductions, therein provided for, any balance of the proceeds of such lands that might remain should constitute a fund for the future necessities of the tribes, on which the United States would pay the Chiefs, for the use and general benefit of the said tribes, annually, five per centum, as an annuity, which sales being accordingly effected, the fund thus created amounted to sixteen thousand four hundred and sixty-six dollars and ten cents, which was invested by the United States, and yet remains invested, as follows, that is to say:

Six thousand dollars in five per cent. stock of the State of Kentucky;

Seven thousand dollars in five and a half per cent. stock of the State of Missouri;

Three thousand dollars in six per cent. stock of the State of Missouri;

And four hundred and sixty-six dollars and ten cents in the United States six per cent. loan of the year 1847.

Which stocks are held by the United States, and the annual interest thereon amounted to the sum of eight hundred and ninety-two dollars and ninety-six cents.

Therefore, and as the said Senecas and the Shawnees aforesaid are indigent, and have nothing to expect from the justice of the northern States, and will be greatly distressed if the annual payments are not promptly made, and as the Confederate States do not wish them any longer to look



Annual payments to the northern States or receive any moneys from them, and are willing to agree to be made by the C. S. to the Senecas and Shawnees.

Therefore it is further agreed by the said Confederate States of America, that they will pay annually forever, in each and every year after the day of the signing of this treaty, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, in money;

To the Seneca tribe, formerly known as the Senecas of Sandusky, to the chiefs, for the use and general benefit of the people, one thousand two hundred and fifty dollars;

And to the Shawnees, of the mixed bands of the Senecas and Shawnees, formerly of Lewistown, or to the Senecas and Shawnees together, when the Senecas shall have united in this treaty, but until then, to the Shawnees alone, to the Chiefs, for the use and general benefit of the people, one thousand eight hundred and ninety-two dollars and ninety-six cents.

And it is further agreed by the Confederate States that they will look to the States of Missouri and Kentucky for re-payment of the principal and interest of the said sums so invested in their stocks.

Annuity due by the State of New York to the Cayuga tribe accepted as members of the Seneca tribe.

ARTICLE XXXI. Whereas, by the treaty made between the State of New York and the Cayuga tribe of Indians, in the month of June, in the year of our Lord, one thousand eight hundred and fifty, it was agreed that the said State should pay annually thereafter forever, on the first day of June in each year, to that portion of the Cayuga tribe which resided west, the sum of eleven hundred and forty-six dollars, which has been regularly paid until the present year, and the check of the Treasurer of the State of New York on the Commercial Bank of Albany, in that State, for the payment of the year eighteen hundred and sixty-one is in the hands of Andrew J. Dorn, the agent of the Osages and other tribes; and whereas, the Cayugas of the west, to whom the said annuity is payable, reside among and are fully accepted as members of the Seneca tribe aforesaid, with the exception of a few who reside among the Senecas and Shawnees, and the said annuity has, therefore, been in each year, by the consent of all, distributed by the agent among all, the Senecas, formerly known as the Senecas of Sandusky, and such Cayugas as reside among the Senecas and Shawnees, and the Cayugas as are willing it shall forever continue to be distributed; and whereas, by placing themselves under the protection of the Confederate States, the Senecas and Cayugas so entitled to said annuity will forfeit the same, and, in all probability, forever:

The C. S. agree to pay the said annuity.

Therefore, it is hereby further agreed by the Confederate States, that they will pay hereafter annually forever, on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, to the said Seneca tribe of Indians, including the Cayugas, and to the Cayugas residing among the Senecas and Shawnees jointly, the said sum of eleven hundred and forty-six dollars, in money; and that, if the said check should not be paid, they will also pay the amount thereof, to be in like manner distributed, on the first day of January, A. D., one thousand eight hundred and sixty-two: *Provided*, That if the State of New York should, at any time hereafter, resume the regular payment of the said annuity, then the Confederate States shall no longer, while it continues to do so, be bound to pay the same.

Proviso.

Annuity to be paid by the C. S. to the Seneca tribe including certain of the Cayugas, Mohawks, Wyandots, and Senecas

ARTICLE XXXII. Inasmuch as the Seneca tribe and the Senecas and Shawnees have received among them persons of the Wyandot tribe, to the number of one hundred and thirteen, and have given them land to live on, without charge, and in consideration of the loyalty of the Seneca tribe, including the Cayugas and Mohawks, who are members of the tribe of the



Senecas aforesaid, and of the Wyandots who reside among them, and of the mixed bands of the Seneca tribe, including the Cayugas and Mohawks, who form part of the tribe of the Shawnees aforesaid, forming part of the mixed bands of Senecas and Shawnees, of the Wyandots residing among each, and of the Senecas of the said mixed bands, if they shall unite in this treaty, but not otherwise, which sum of money shall be annually expended in the purchase by the superintendent, at first cost at the place of purchase in the Confederate States, of such articles of clothing, blankets, utensils, and other useful articles as he shall, aided by the report and recommendation of the agent in each year, judge to be most desirable, and as will conduce to the health and comfort of the Indians; and which articles shall be annually distributed by the agent as equally as possible among the persons composing the Seneca tribe as aforesaid, the Shawnees and Wyandots aforesaid, and the Senecas of the said mixed bands of Senecas and Shawnees; in which distribution, however, regard may be had by the agent, by the advice of the Chiefs, to the character and circumstances of the recipients, and the needy who are industrious and worthy be especially provided for, and the idle and dissolute not be encouraged.

How expended.

Distribution of articles purchased.

ARTICLE XXXIII. The Senecas and the Shawnees not being able to maintain schools among them, and being anxious their children should not grow up in ignorance, the Confederate States hereby agree to build a comfortable school-house in each tribe, and that they will employ, during the term of twenty years, a competent male teacher and a competent female teacher, pay their salaries and furnish the schools with the necessary stationery and such books as are needed for instruction in common schools. The repairs of school-houses shall be made, and fuel furnished, by the Senecas the Senecas and Shawnees and Wyandots themselves; and the schools shall be open to the children of all alike.

School houses.

Teachers; their salaries.

Stationery and books.

Repairs of school houses and fuel.

ARTICLE XXXIV. Whenever it shall be desired either by the Senecas or the Shawnees of the mixed bands, after the said Senecas shall have united in this treaty, a division of their joint annuity of one thousand eight hundred and ninety-two dollars and ninety-six cents shall be made between them, in the ratio of their numbers, and each band shall thereafter receive to its sole use the share of the said annuity belonging to it, as thus determined, whatever their respective numbers may afterwards be.

Division of joint annuity between the Senecas and the Shawnees of the mixed bands.

ARTICLE XXXV. The Confederate States will also furnish the Senecas, formerly of Sandusky, and the Shawnees aforesaid, and the Senecas of the mixed bands when they shall have united in this treaty, with such medicines as may be necessary, and will employ a physician for them and for the Quapaws, who shall reside at a convenient place in the country of one or the other tribe, during the pleasure of the President; and any physician employed shall be discharged by the superintendent, and another be employed in his place, in case of incompetency or inattention to his duties.

Medicines and medical services.

ARTICLE XXXVI. The Confederate States also agree to employ a blacksmith for the Senecas, and one for the Senecas and Shawnees for, and during the term of, twenty years from the date of this treaty, and an assistant for each, who shall be one of the Seneca or Shawnee people, and receive a compensation of two hundred and fifty dollars per annum. And they will also furnish each blacksmith a dwelling house, shop and

Blacksmith and assistant.

Compensation. Shop and tools, and coal, iron and steel.

tools, and supply each shop with coal and with six hundred pounds of iron and one hundred pounds of steel annually.

Wagon-maker and wheelwright. ARTICLE XXXVII. The Confederate States will also employ one wagon-maker and wheelwright for the Senecas, and one for the Senecas and Shawnees for, and during the term of, twenty years from the date of this treaty, and furnish each with a dwelling house, shop, tools, and the necessary materials.

Shop, tools and materials. Grist and saw mills. ARTICLE XXXVIII. The Confederate States also hereby agree to build and put in running order for the Senecas and the Senecas and Shawnees, at some suitable point in their country, convenient to both, to be selected by the agent, a good grist and saw mill, and to deliver the same, when completed, to the Seneca and Seneca and Shawnee people, whose joint, absolute property it shall at once become. And the Confederate States will also employ, for the term of ten years, an experienced miller for each mill, to be selected, if possible, from among the Senecas or Shawnees, and if such millers can be had at a compensation not exceeding six hundred dollars for each per annum.

Millers. Rifle and ammunition for each warrior. ARTICLE XXXIX. The Confederate States hereby agree to furnish each warrior of the Seneca Tribe, and of the Shawnees, aforesaid, and of the Senecas of the mixed bands, aforesaid, when they shall have united in this treaty, who has not a gun, with a good rifle, and also to furnish each warrior of the same, with a sufficient supply of ammunition during the war.

Trader to be punished for purchasing articles given by the U. S. General amnesty declared. ARTICLE XL. If any trader or other person should purchase from the Senecas or Shawnees, aforesaid, any of the articles given them by the Confederate States, he shall be severely punished.

ARTICLE XLI. A general amnesty of all past offences against the laws of the United States, or of the Confederate States, committed before the signing of this treaty, by any person of the Seneca Tribe, or by any Shawnee of the mixed bands, is hereby declared; and all such persons, if any, charged with any such offence, shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

Protection and guarantees extended to the Senecas of the mixed bands of Senecas and Shawnees. ARTICLE XLII. The Confederate States of America hereby tender to the Senecas, of the mixed bands of Senecas and Shawnees, the same protection and guarantees as are hereby extended and given to the Seneca Tribe, and to the Shawnees aforesaid, and the other benefits offered to the said Senecas specifically by this treaty; and if the said Senecas, of the mixed bands, shall give no aid to the enemies of the Confederate States, and shall, within one year from the day of the signing of this treaty, enter into a convention whereby they shall unite in this treaty, and shall accept and agree to all the terms and conditions of the same, then it shall, to all intents and purposes, be regarded as having been originally made with them also, and they be deemed and taken to be parties hereto as if they were now to sign the same.

May become parties to this treaty. ARTICLE XLIII. This convention shall be obligatory on the Seneca Tribe, and on the Shawnees, aforesaid, of the mixed bands, from the day of its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

When this treaty to take effect. In testimony whereof, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, Chiefs and headmen of the Seneca Tribe of Indians, and of the Shawnees of the mixed bands of Senecas and Shawnees, do hereunto set their hands and affix their seals.

{ SEAL }



Thus done in duplicate, at the place and upon the day, in the month and year first aforesaid.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

LITTLE TOWN SPICER,  
*Principal Chief of Seneca Tribe.*

SMALL CLOUD SPICER,  
*Second Chief of Seneca Tribe.*

MOSES CROW,  
*Councillor of Seneca Tribe.*

JOHN MUSH,  
*Councillor of Seneca Tribe.*

GEORGE SPICER,  
*Councillor of Seneca Tribe.*

JOHN SMITH,

JAMES KING,

ISAAC WARRIOR,

JIM BIG-BONE,

BUCK ARMSTRONG,

JO CROW,

DAVID SMITH,  
GEORGE KERON,

*C. S. Interpreter for the Seneca Tribe.*  
[Warriors of the Seneca Tribe.]

LEWIS DAVIS,  
*Principal Chief of the Senecas and Shawnees.*

JOSEPH MOHAWK,  
*Second Chief of the Shawnees.*

JOHN TOMAHAWK,

WHITE DEER,  
*Councillor of the Shawnees.*

SILAS DOUGHERTY,  
*Councillor of the Shawnees.*

WILLIAM BARBEE,  
*C. S. Interpreter for the Shawnees.*

Signed, sealed and delivered in presence of us,

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent of Indian Affairs C. S.*

ANDREW J. DORN,

*C. S. Agent for Osages, Senecas, etc.*

W. WARREN JOHNSON,

LUTHER H. PIKE,

J. W. WASHBOURNE,

To the Indian names are subjoined marks.

## RATIFICATION.

*Resolved*, (two-thirds of Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Seneca Tribe of Indians, formerly known as the Senecas of Sandusky, and the Shawnees of the tribe or confederacy of Senecas and Shawnees, formerly known as the Senecas and Shawnees of Lewistown, or the mixed bands of Senecas and Shawnees, each tribe for itself, by the chiefs and warriors who signed the same articles, of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following amendment:

## AMENDMENT.

In article twenty-seven, at the end of the words "or in a State court," add the following words: "subject to the laws of the State."

NOTE.—The amendment was agreed to and ratified by the Senecas and Shawnees as part of the treaty.



# TREATY WITH THE QUAPAWS.

OCTOBER 4TH, 1861.

## ARTICLES OF A CONVENTION

Oct. 4, 1861. *Entered into and concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, their Commissioner, with full powers, appointed by the President, by virtue of an Act of the Congress in that behalf, of the one part, and the Quapaw Tribe of Indians, by its Chiefs and warriors, who have signed these articles, of the other part.*

The Quapaws under the protection of the C. S. ARTICLE I. The Quapaw Tribe of Indians, and all the persons thereof, do hereby place themselves under the laws and protection of the Confederate States of America, in peace and in war, forever, and agree to be true and loyal to them under all circumstances.

The C. S. assume the protectorate. ARTICLE II. The Confederate States of America do hereby promise and firmly engage themselves to be, during all time, the friends and protectors of the Quapaw Tribe of Indians, and to defend and secure them in the enjoyment of all their rights; and that they will not allow them henceforward to be in any wise troubled or molested by any power or people, State or person whatever.

Guarantee to the Quapaws of the country secured to them by treaty with the U. S. ARTICLE III. The Confederate States of America do hereby assure and guarantee to the Quapaw Tribe of Indians, the exclusive and undisputed possession, use and occupancy, during all time, as long as grass shall grow and water run, of the country heretofore secured to them by treaty with the United States of America, and which is described in the treaty of the thirteenth day of May, A. D., one thousand eight hundred and thirty-three, as follows, that is to say: "One hundred and fifty sections of land, west of the State of Missouri, and between the lands of the Senecas and Shawnees, not heretofore assigned to any other tribe of Indians;" and as the same was afterwards selected and assigned to said Quapaw Tribe, and is now held and occupied by them; which lands shall not be sold or ceded by said tribe, nor shall any part thereof, to any nation or people, except to the Confederate States, nor to any individuals whatever, except as hereinafter provided, and the same shall vest in the Confederate States, in case the said tribe becomes extinct or abandons the same.

Lands not to be sold or ceded except to the C. S. ARTICLE IV. The right is hereby reserved to the Confederate States to select, in any unoccupied part of said country, if they shall desire to do so, a tract of land, one mile square, as a reserve and site for an agency for the said tribe, which shall revert to the said tribe, with all the buildings thereon, whenever it shall cease to be occupied for an agency.

Reservation of land for Indian agency. ARTICLE V. The Confederate States shall have the right to establish in the said country such forts and military posts as they may deem necessary, and shall have the right to select for each such fort or post, a tract of land, one mile square, on which such fort or post shall be established:

Forts and military posts.

*Provided*, That if any person have any improvements on any tract so selected, the value of such improvements shall be paid by the Government to the owner thereof.

ARTICLE VI. No person whatever shall be permitted to settle or reside upon the agency reserve, when it shall have been selected, except by permission of the agent; nor upon any reserve for a fort or military post, except by the permission of the commanding officer; and every such reserve for forts or military posts, shall be within the sole and exclusive jurisdiction of the Confederate States. No settlement permitted upon the agency reserve or the reserve for forts, &c.

ARTICLE VII. The Confederate States hereby agree that the country hereby secured to the said tribe shall never be included within the bounds of any State or Territory, nor shall any of the laws of any State or Territory ever be extended over, or put in force within, any part of the said country; and the President of the Confederate States, will cause the said tribe to be protected against all molestation or disturbance at the hands of any other tribe or nation of Indians, or of any other person or persons whatever; and he shall have the same care and superintendence over them as was heretofore had by the President of the United States. The country of the Quapaws not to be included within the bounds of any State or Territory or to be under the laws thereof. Protection against other tribes or persons.

ARTICLE VIII. The members of the said Quapaw Tribe of Indians shall have the right, henceforward, of hunting and killing game in all the uncultivated country west of the possessions of the Cherokees, Seminoles, Choctaws and Chickasaws, without molestation from any quarter, being, while so engaged therein, under the protection of the Confederate States. Hunting and killing of game.

ARTICLE IX. There shall be perpetual peace and brotherhood between the Quapaw Tribe of Indians and the Osages, Senecas, Senecas and Shawnees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and the bands of Wichitas, Cado-ha-da-chos, Hue-cos, Ta-wa-caros, An-a-dagh-cos, Ton-cawes, Ki-chais, Ai-o-nais, Shawnees and Delawares, living in the country leased from the Choctaws and Chickasaws, and the Pen-e-tegh-ca, No-co-ni, Ta-nei-we, Ya-pa-rih-ca, and Co-cho-tih-ca bands of the Ne-un or Comanches; and every injury or act of hostility which either has heretofore sustained or met with at the hands of the other, shall be forgiven and forgotten. Perpetual peace and brotherhood between the Quapaws and other tribes. Injuries, &c., to be forgiven and forgotten.

ARTICLE X. The Quapaw Tribe of Indians, and the said several other nations, tribes and bands shall henceforth be good neighbors to each other, and there shall be a free and friendly intercourse among them. And it is hereby agreed by the said Quapaw Tribe, as has already been agreed by all the others that the horses, cattle and other stock and property of each nation, tribe or band, and of every person of each, is his or its own; and that no person belonging to the Quapaw Tribe, shall or will hereafter kill, take away or injure any such property of another tribe or band, or of any member of any other tribe or band, or in any other way do them any harm. The Quapaws and other tribes to be good neighbors to each other. Right of property in horses, cattle, &c.

ARTICLE XI. Especially there shall be perpetual peace and friendship between said Quapaw Tribe and the Osages, Senecas, Senecas and Shawnees, Cherokees, Mus-ko-kis, Seminoles, Choctaws and Chickasaws, and the Chiefs and headmen of the said Quapaw Tribe, shall do all in their power to take and restore any negroes, horses or other property stolen from white men or from persons belonging to either of said nations and tribes; and to catch and give up any person among them who may kill or steal or do any other evil act. Perpetual peace and friendship with the Osages and other Indian nations. Return of stolen property.

ARTICLE XII. In order that the friendship now established between the said Quapaw Tribe of Indians and the Confederate States and the other Indian nations, tribes and bands aforesaid, may not be interrupted by the misconduct of individuals or bands of individuals, it is hereby agreed that for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaint shall be made by the said Quapaw Tribe of Indians, when any individual thereof is No private revenge or retaliation to be taken for injuries done to the Quapaws. Mode of redress.



injured, to the agent of the Confederate States for the Osages and other tribes, who shall investigate the complaint, and if he finds it well-founded, shall report the same to the Superintendent, who shall cause the wrong to be redressed, and the person doing to be arrested whether he be a white man or an Indian; and he or they shall be tried for the same agreeably to the laws of the Confederate States, or of the State or Territory against which he may have offended, and be punished in the same manner and with the same severity, as if the injury had been done to a white man. And it is also agreed that if any member of the Quapaw Tribe shall do any injury to the person or property of any white man or of a member of any other nation or tribe, under the protection of the Confederate States, the offender shall be given up to the agent, upon complaint made to him, and on his demand, the wrong shall be redressed by him, and the offender be tried for the offence, agreeably to the laws of the Confederate States, or of the State, Territory or nation against which he may offended: *Provided*, That he shall be punished in no other manner, nor with any greater severity, than a citizen of the Confederate States, or of such State, Territory or nation would be, if he had committed the same offence.

ARTICLE XIII. It is hereby further agreed that the Chiefs of the Quapaw Tribe shall use every exertion in their power to recover any horses or other property that may be stolen from any citizen of the Confederate States, or from any member of any other Indian nation or tribe under the protection of the Confederate States, by any person or persons whatever, and found within the limits of their country; and the property so recovered shall be forthwith delivered to the owner or to the agent to be restored to him. If, in any case, the right to the property claimed is contested by the person in possession, the agent shall summarily investigate the case, and, upon hearing the testimony of witnesses, shall decide the right to the property, and order it to be detained or delivered up accordingly. Either party may appeal from his decision to the Superintendent, whose decision shall be final in all cases, the property in the meantime remaining in the custody of the agent. If, in any case, the exertions of the Chiefs to cause the restoration of stolen property prove ineffectual, and the agent is satisfied from the testimony that it was actually stolen, or received with knowledge of its being stolen, by any person belonging to the Quapaw Tribe, he shall so report to the Superintendent, with a copy of the testimony, which shall, for that purpose, be always reduced to writing; and the Superintendent shall, if satisfied from the testimony, deduct from the annuity of the Tribe a sum equal to the value of the property stolen.

ARTICLE XIV. The Confederate States hereby guarantee full and fair payment, to the owner, of the actual and full value of all horses and other property stolen from any person or persons belonging to the Quapaw Tribe, by any citizen of the Confederate States, or by any Indian of any other nation or tribe under their protection, in case the same cannot be recovered and restored, and upon sufficient proof being made before the Superintendent, or any agent of the Confederate States, for any such nations or tribes, that such property was actually stolen by a citizen or citizens of the Confederate States, or by an Indian or Indians of any nation or tribe under their protection.

ARTICLE XV. An agent for the Great and Little Osage Tribes, the Quapaws, Senecas, and Senecas and Shawnees shall be appointed by the President, and an Interpreter for the Quapaw Tribe for their protection, and that their complaints may be heard by and their wants made known to the President. The agent shall reside continually in the country of one or the other of said tribes or bands, and the interpreter shall reside



continually amongst the Quapaws, and neither of them shall ever be absent from their posts, except by permission of the Superintendent. Not to be absent without leave.

ARTICLE XVI. None of the braves of the Quapaw Tribe shall go upon the war path, against any enemy whatever, except with the consent of the agent, or unless it be to pursue hostile bands of white men or Indians entering their country and committing murder, robbery or other outrage, when immediate pursuit is necessary; nor shall hold any talks or councils with any white men or Indians without his knowledge and consent. And they especially agree to attend no councils or talks in the country of any people, with whom the Confederate States are at war; and in case they do so, all the benefits secured to them by this treaty shall immediately and forever cease. No war to be waged or councils held, except with the consent of the agent.

ARTICLE XVII. The Confederate States will not permit any improper person to reside or be in the Quapaw country, but only such persons as are employed by them, their officers or agents, and traders, licensed by them, who shall sell to the Quapaws and buy from them, at fair prices, under such regulations as the President shall make from time to time. Who may live in the Quapaw country.

ARTICLE XVIII. No State or Territory shall ever pass laws for the government of the Quapaw people; and except so far as the laws of the Confederate States are in force in their country, they shall be left free to govern themselves, and to punish offences committed by one of themselves against the person or property of another: *Provided*, That if one of them kills another, without good cause or justification, he shall suffer death, but only by the sentence of the Chiefs, and after a fair trial, all private revenge being strictly forbidden. The Quapaws left free to govern themselves.

ARTICLE XIX. Every white man who marries a woman of the Quapaws, and resides in the Quapaw country, shall be deemed and taken, even after the death of his wife, to be a Quapaw and a member of the tribe, so far as to be subject to its laws in respect to all offences committed in its country against the person or property of another member of his tribe, and as not to be considered a white man committing such offence against the person or property of an Indian, within the meaning of the acts of the Congress of the Confederate States. And all negroes or mulattoes, bond or free, committing any such offence in said country, shall in like manner be subject to the laws of the tribe. White man who marries a woman of the Quapaws deemed to be a Quapaw so far as to be subject to the laws of the tribe.

ARTICLE XX. The Confederate States shall have the right to establish, open and maintain such military and other roads through any part of the Quapaw country, as the President may deem necessary, without making any compensation for the right of way, or for the land, timber or stone used in constructing the same; but if any other property of the tribe, or any other property or the improvements of an individual be used or injured therein, just and adequate compensation shall be made. Negroes and mulattoes in like manner subject to the laws of the tribe.

ARTICLE XXI. The Confederate States may grant the right of way for any railroad through any part of the Quapaw country; but the company to which any such right may be granted shall pay to the tribe therefor such sum as shall, in the opinion of the President, be its fair value; and shall also pay to individuals all damages done by the building of said road to their improvements or other property, to such amount in each case as commissioners appointed by the President shall determine. Military and other roads.

ARTICLE XXII. The agent of the Confederate States, for the Osages and other tribes, shall prevent all intrusions, by hunters and others, upon the lands of the Quapaws, and permit no white men or other Indians to settle thereon, and shall remove all such persons, calling, if necessary, upon the military power for aid; and the commanders of military posts, in that or the adjoining country, shall be required to afford him such aid upon his requisition. Right of way for railroads.

Payment of damages to individuals.

Intrusions and settlement upon the land of the Quapaws to be prevented.

The Quapaws may allow other Indians to settle among them.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

Surrender of fugitives from justice.

Laws declared to be in force in the Quapaw country.

Jurisdiction of district court for the Chalahki district.

Any of the Quapaws indicted in any court of the C. S. or State court entitled to process for witnesses.

Costs of process paid by C. S.

When accused may be assigned counsel.

Existing laws, usages and customs in regard to slavery, declared binding.

ARTICLE XXIII. The Quapaws may allow persons of any other tribe of Indians to settle among them, and may receive from them for their own benefit, compensation for such lands as they may sell or assign to such persons.

ARTICLE XXIV. No citizen or inhabitant of the Confederate States or member of any friendly nation or tribe of Indians, shall pasture stock on the lands of the Quapaws, but all such persons shall have full liberty, at all times, and whether for business or pleasure, peaceably to travel in their country, on the roads or elsewhere, to drive their stock through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose and no other.

ARTICLE XXV. Any person duly charged with a criminal offence against the laws of the Confederate States, or of any State or Territory, or of any Indian nation or tribe under the protection of the Confederate States, escaping into the Quapaw country, shall be promptly taken and delivered up by the Chiefs of the Quapaws, on the demand of the proper authority of the Confederate States, or of the State, Territory, nation or tribe within whose jurisdiction the offence shall be alleged to have been committed.

ARTICLE XXVI. In addition to the laws of the Confederate States, expressly applying to the Indian country, so much of their laws as provides for the punishment of crimes amounting to felony at common law, or by statute against their laws, authority or treaties, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States, or of the Confederate States, or any other current coin, or the securities of the Confederate States, or the uttering of such counterfeit coin or securities; and so much of said laws as provides for punishing violations of the neutrality laws, and resistance to the process of the Confederate States; and all the acts of the provisional Congress providing for the common defence and welfare, so far as the same are not locally inapplicable; and the laws providing for the capture and delivery of fugitive slaves, shall be in force in the Quapaw country; and the district court for Chalahki district, when established, shall have exclusive jurisdiction to try, condemn and punish offenders against those laws, to adjudge and pronounce sentence, and cause execution thereof to be done.

ARTICLE XXVII. Whenever any person, who is a member of the Quapaw Tribe, shall be indicted for any offence in any court of the Confederate States, or in a State court, he shall be entitled, as of common right, to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think material for his defence; and the costs of process for such witnesses, and of the service thereof, and fees and mileage of such witnesses shall be paid by the Confederate States; and whenever the accused is not able to employ counsel, the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

ARTICLE XXVIII. It is hereby declared and agreed that the institution of slavery in the said Quapaw Tribe is legal and has existed from time immemorial; that slaves are personal property; that the title to slaves and other property having its origin in the said tribe is to be determined by the laws and customs thereof; and that the slaves and personal property of every person domiciled in the country of said tribe shall pass and be distributed at his or her death, in accordance with the laws, usages and customs of the said tribe, which may be proved by oral



evidence, and shall everywhere be held valid and binding within the scope of their operation. And if any slave escape from said tribe, the laws of the Confederate States, for the capture and delivery of fugitive slaves, shall apply to such cases, whether they escape into a State or Territory or into any Indian nation or tribe, under the protection of the Confederate States; the obligation upon each such State, Territory, nation or tribe to deliver up the same being in every case as complete as if they had escaped from a State, and the mode of procedure the same.

ARTICLE XXIX. The Quapaw Tribe of Indians hereby makes itself a party to the existing war between the Confederate States and the United States of America, as the ally and ward of the former; and, in consideration of the protection guaranteed by this treaty, and of their common interests, hereby agrees to aid in defending its country against any invasion thereof by the common enemy; and it is agreed that all warriors furnished by it for the service of the Confederate States, and which shall be mustered into that service, shall receive the same pay and allowances as other troops of the same class therein, and remain in the service as long as the President shall require.

The Quapaw Tribe makes itself a party to the existing war and agrees to furnish aid.

Pay of warriors.

How long to serve.

ARTICLE XXX. The Confederate States hereby agree to furnish each warrior of the Quapaw Tribe, who has not a gun, with a good rifle, and also to furnish each warrior with a sufficient supply of ammunition during the war.

Rifle and ammunition for each warrior.

ARTICLE XXXI. The Confederate States will also furnish the Quapaws, at a proper place, with such medicines as may be necessary, and will employ a physician for them and for the Senecas and Shawnees, who shall reside at a convenient place in the country of one or the other tribe, during the pleasure of the President; and any physician employed shall be discharged by the Superintendent, and another be employed in his place, in case of incompetency or inattention to his duties.

Medicines and medical services.

ARTICLE XXXII. In consideration of the uniform loyalty and good conduct of the Quapaw Tribe, and of their necessities, arising from the sale by them of their lands in Arkansas for a grossly inadequate price, by the treaty of the year one thousand eight hundred and twenty-four, the Confederate States hereby agree to expend, for the benefit of the Quapaws, in each year, for and during the term of twenty years from the day of the signing of this treaty, commencing with the year one thousand eight hundred and sixty-two, the sum of two thousand dollars, which shall be applied each year by the Superintendent to the purchase of articles costing that sum at the place of purchase in the Confederate States, to consist of blankets, clothing, tobacco, household and kitchen furniture and utensils, and other articles of ease and comfort for the Quapaws, which shall be distributed among them by the agent, as equally as possible, regard being had in the distribution to the character for industry or idleness, and good or bad conduct, on the part of the recipient, as well as the necessities of each, so that the good and the needy shall be preferred; and in determining which, the agent shall pay due respect to the opinions and judgment of the chiefs.

The C. S. agree to expend for the Tribe, \$2,000 annually, for twenty years.

How fund to be applied.

ARTICLE XXXIII. The Confederate States also agree to employ a blacksmith for the Quapaws, for and during the term of twenty years from the date of this treaty, and an assistant, who shall be one of the Quapaw people, and receive a compensation of two hundred and fifty dollars per annum. And they will also furnish the blacksmith with a dwelling house, shop and tools, and supply the shop with coal, and with six hundred pounds of iron, and one hundred pounds of steel, annually.

Blacksmith and assistant.

Compensation.

Shop and tools. Coal, iron and steel.

ARTICLE XXXIV. The Confederate States will also employ one wagon-maker and wheelwright for the Quapaws, for and during the term of

Wagon maker and wheelwright.



Shop, tools and materials. twenty years from the date of this treaty, and furnish him with a dwelling house, shops, tools and the necessary materials.

Grist and saw mills. ARTICLE XXXV. The Confederate States hereby agree to build and put in running order for the Quapaws, at some suitable point in their country, to be selected by the agent, a good grist and saw mill, and to deliver the same, when completed, to the Quapaw people, whose absolute property it shall at once become. And the Confederate States will also employ, for the term of ten years, an experienced miller for each mill, to be selected, if possible, from among the Quapaws, and if such millers can be had at a compensation not exceeding six hundred dollars per annum for each.

Wagons and harness, oxen and horse gear. ARTICLE XXXVI. The Confederate States also further agree to purchase, for the Quapaws, four good wagons and harness for four horses for each wagon, ten yoke oxen, and ten sets of horse gear complete, to be delivered to the chiefs, and used for the general benefit of their people.

Annual payment for the education of the Quapaw children. ARTICLE XXXVII. The Confederate States also further agree perpetually to pay regularly and annually hereafter, the sum of one thousand dollars for education of their children, provided by the treaty of the thirteenth day of May, A. D., one thousand eight hundred and thirty-three, and also to add to that sum in each and every year the further sum of one thousand five hundred dollars; which sums shall be payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two, and shall be applied by the agent to the education of Quapaw children and youths in the Osage Manual Labor School, until an institution of learning can be, with the aid of this perpetual fund, established in the country of the Quapaws.

Annuity to the Chiefs. ARTICLE XXXVIII. Inasmuch as the Quapaws have no fund out of which to pay the salaries of their Chiefs, or the expenses of their government, the Confederate States further agree to pay to each of the present Chiefs, Wat-ti-shi-nek Kat-eh-de, the first Chief, and Ka-hi-keh-tih-te, the second Chief, for each year, and during his natural life, an annuity of one hundred dollars in money per annum, payable on the first day of January in each year, commencing with the year one thousand eight hundred and sixty-two.

Trader purchasing articles given to Quapaws, to be punished. ARTICLE XXXIX. If any trader or other person should purchase from any Quapaw any of the chattels or articles given him by the Confederate States, he shall be severely punished.

General amnesty. ARTICLE XL. A general amnesty of all past offences against the laws of the United States or of the Confederate States, committed before the signing of this treaty, by any member of the Quapaw Tribe, as such membership is defined in this treaty, is hereby declared; and all such persons, if any, charged with such offence, shall receive from the President full and free pardon, and if imprisoned or held to bail, before or after conviction, shall be discharged.

When this treaty to take effect. ARTICLE XLI. This convention shall be obligatory on the Quapaw Tribe of Indians from the day its date, and on the Confederate States from and after its ratification by the Senate or provisional Congress.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the undersigned, Chiefs and headmen of the Quapaw Tribe of Indians, do hereunto set their hands and affix their seals.

{ SEAL. }

This done in duplicate, at the place, and upon the day, in the year first aforesaid.  
ALBERT PIKE,  
Commissioner of the Confederate States to the Indian nations west of Arkansas.

WAT-TI-SHU-NEK-KAT-EH-DE, MOS-KA-ZI-KA,  
*Principal Chief of the Quapaws.*  
 GEORGE LANE, A-HI-SUT-TA,  
 ELIJAH H. FIELDS, NIK-KAT-TOH,  
 NOT-TET-TU, MO-ZEK-KA-NE,  
 KA-NI, S. G. VALLAR,  
 R. P. LOMBARD.

Signed, sealed and delivered in presence of us.

WM. QUESENBURY,  
*Secretary to the Commissioner.*  
 E. RECTOR,  
*Superintendent Indian Affairs Confederate States.*  
 ANDREW J. DORN,  
*Confederate States Agent for the Quapaws, etc.*  
 W. WARREN JOHNSON,  
 R. H. BEAN,  
 J. W. WASHBOURNE.

To the Indian names are subjoined marks.

### RATIFICATION.

Dec. 21, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America, do advise and consent to the ratification of the articles of a convention, made by Albert Pike, Commissioner of the Confederate States to the Indian nations west of Arkansas, of the one part, and the Quapaw Tribe of Indians, by its Chiefs and warriors, who signed the same articles of the other part, concluded at Park Hill, in the Cherokee Nation, on the fourth day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Ratification by Congress of the foregoing treaty with the Quapaws.

### AMENDMENT:

Amendment.

Strike out from article twenty-seven, the following words: "or in a State court," and insert in lieu thereof the following words: "or in a State court, subject to the laws of the State."

NOTE.—The amendment was agreed to and ratified by the Quapaws as a part of the treaty.

# TREATY WITH THE CHEROKEES.

OCTOBER 7TH, 1861.

## A TREATY OF FRIENDSHIP AND ALLIANCE,

Oct. 7, 1861.

*Made and concluded at Tahlequah, in the Cherokee Nation, on the seventh day of October, in the year of our Lord, one thousand eight hundred and sixty-one, between the Confederate States of America, by Albert Pike, Commissioner with plenary powers, of the Confederate States, of the one part, and the Cherokee Nation of Indians, by John Ross, the Principal Chief, Joseph Verner, Assistant Principal Chief, James Brown, John Drew and William P. Ross, Executive Councilors, constituting with the Principal and Assistant Principal Chiefs the Executive Council of the Nation, and authorized to enter into this treaty by a General Convention of the Cherokee People, held at Tahlequah, the seat of Government of the Cherokee Nation, on the twenty-first day of August, in the year of our Lord, one thousand eight hundred and sixty-one; together with Lewis Ross, Thomas Pegg and Richard Fields, Commissioners selected and appointed by the Principal Chief with the advice and consent of the Executive Council to assist in negotiating the same, of the other part.*

Preamble.

The Congress of the Confederate States of America, having by an "act for the protection of certain Indian tribes," approved the twenty-first day of May, in the year of our Lord, one thousand eight hundred and sixty-one, offered to assume and accept the protectorate of the several nations and tribes of Indians occupying the country west of Arkansas and Missouri, and to recognize them as their wards, subject to all the rights, privileges and immunities, titles and guarantees with each of said nations and tribes under treaties made with them by the United States of America; and the Cherokee Nation of Indians having assented thereto upon certain terms and conditions:

Now, therefore, the said Confederate States of America, by Albert Pike their Commissioner, constituted by the President, under authority of the act of Congress in that behalf, with plenary powers for these purposes, and the Cherokee Nation by the Principal Chief, Executive Council and Commissioners aforesaid, has agreed to the following articles, that is to say:

Perpetual peace  
and friendship.

ARTICLE I. There shall be perpetual peace and friendship, and an alliance offensive and defensive, between the Confederate States of America and all of their States and people, and the Cherokee Nation and all the people thereof.

The Cherokees  
acknowledgethem-  
selves to be under  
the protection of  
the C. S.

ARTICLE II. The Cherokee Nation of Indians acknowledges itself to be under the protection of the Confederate States of America, and of no other power or sovereign whatever; and does hereby stipulate and agree with them that it will not hereafter contract any alliance, or enter into any



compact, treaty or agreement with any individual, State or with a foreign power; and the said Confederate States do hereby assume and accept the said protectorate, and recognize the said Cherokee Nation as their ward; and by the consent of the said nation now here freely given, the country whereof it is proprietor in fee, as the same is hereinafter described, is annexed to the Confederate States in the same manner and to the same extent as it was annexed to the United States of America before that Government was dissolved, with such modifications, however, of the terms of annexation, and upon such conditions as are hereinafter expressed, in addition to all the rights, privileges, immunities, titles and guarantees with or in favor of the said nation, under treaties made with it, and under the statutes of the United States of America. And in consequence of the obligations imposed on the Cherokee people by this article, it is agreed on the part of the Confederate States, that they will not at any time enter into any compact, treaty or agreement with any individuals or party in the Cherokee Nation, but only with the constitutional authorities of the same, that will in any way interfere with or affect any of the national rights of the Cherokee people.

The C. S. assume the protectorate.

Cherokee country annexed to the C. S.

C. S. not to enter into compacts, except with the Constitutional authorities of the Cherokee Nation.

Protection promised.

ARTICLE III. The Confederate States of America, having accepted the said protectorate, hereby solemnly promise the said Cherokee Nation never to desert or to abandon it, and that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Cherokees from the Confederacy; but that they will, at any cost and all hazards, protect and defend them and maintain unbroken the ties created by identity of interests and institutions, and strengthened and made perpetual by this treaty.

ARTICLE IV. The boundaries of the Cherokee country shall forever continue and remain the same as they are defined by letters patent therefor given by the United States to the Cherokee Nation on the thirty-first day of December, in the year of our Lord, one thousand eight hundred and thirty-eight; which boundaries are therein defined as follows:

Boundaries of the Cherokee country.

Beginning at a mound of rocks four feet square at base, and four and a half feet high, from which another mound of rocks bears south one chain, and another mound of rocks bear west one chain, on what has been denominated the old western Territorial line of Arkansas Territory, twenty-five miles north of Arkansas river; thence south twenty one miles and twenty-eight chains, to a post on the northeast bank of the Verdigris river, from which a hackberry, fifteen inches diameter, bears south sixty one degrees thirty-one minutes east, forty-three links, marked C. H. L. and a cottonwood forty-two inches diameter, bears south twenty-one degrees, fifteen minutes, east, fifty links, marked C. R. R. L.; thence down the Verdigris river, on the north east bank, with its meanders to the junction of Verdigris and Arkansas rivers; thence from the lower bank of Verdigris river; on the north bank of Arkansas river, south, forty-four degrees, thirteen minutes, east, fifty-seven chains, to a post on the south bank of Arkansas, opposite the eastern bank of Neosho river, at its junction with Arkansas, from which a red oak thirty-six inches diameter, bears south seventy-five degrees, forty-five minutes, west, twenty-four links, and a hickory twenty-four inches diameter bears south eighty-nine degrees, east, four links; thence south fifty-three degrees west, one mile, to a post from which a rock bears north fifty-three degrees east, fifty links, and a rock bears south, eighteen degrees, eighteen minutes west, fifty links; thence south eighteen degrees, eighteen minutes west, thirty-three miles, twenty-eight chains, and eighty links, to a rock, from which another rock bears north eighteen degrees, eighteen minutes east, fifty links, and another rock bears south fifty links; thence south four miles, to a post on the lower bank of the north fork of Canadian river, at its junction with Canadian river, from

which a cotton wood, twenty-four inches diameter bears north eighteen degrees east, forty links, and a cotton wood fifteen inches diameter, bears south nine degrees east, fourteen links; thence down the Canadian river on its north bank to its junction with Arkansas river; thence down the main channel of Arkansas river to the western boundary of the State of Arkansas at the northern extremity of the eastern boundary of the lands of the Choctaws, on the south bank of Arkansas river, four chains and fifty-four links east of Fort Smith; thence north seven degrees twenty-five minutes west with the western boundary of the State of Arkansas, seventy-six miles, sixty-four chains and fifty links to the southeast corner of the State of Missouri; thence north, on the western boundary of the State of Missouri eight miles, forty-nine chains and fifty links, to the north bank of Cowskin or Seneca river, at a mound six feet square at base and five feet high, in which is a post marked on the south-side Cor. Ch. Ld.; thence west on the northern boundary of the lands of the Senecas, eleven miles and forty chains, to a post on the east bank of Neosho river, from which a maple eight eighteen inches diameter bears south thirty-one degrees east, seventy-two links; thence up Neosho river, with its meanders, on the east bank, to the southern boundary of Osage lands, thirty-six chains and fifty links, west of the southeast corner of the lands of the Osages, witnessed by a mound of rocks on the west bank of Neosho river; thence west on the southern boundary of the Osage lands to the line dividing the Territory of the United States from that of Mexico, two hundred and eighty-eight miles, thirteen chains and sixty-six links, to a mound of earth six feet square at base, and five and a half feet high in which is deposited a cylinder of charcoal, twelve inches long and four inches diameter; thence south along the line of the Territory of the United States and of Mexico, sixty miles and twelve chains to a mound of earth six feet square at base and five and a half feet high, in which is deposited a cylinder of charcoal, eighteen inches long and three inches diameter; thence east, along the northern boundary of Creek lands, two hundred and seventy-three miles, fifty-five chains and sixty-six links, to the beginning; containing within the survey thirteen millions five hundred and seventy-four thousand one hundred and thirty-five acres and fourteen hundredths of an acre.

Title of the U. S. in the Cherokee country vested in the C. S.

ARTICLE V. The Cherokee Nation hereby gives its full, free and unqualified assent to those provisions of the act of Congress of the Confederate States of America, entitled "An act for the protection of certain Indian tribes," approved the twenty-fourth day of May, in the year of our Lord, one thousand eight hundred and sixty-one, whereby it was declared that all reversionary, and other interest, right, title and proprietorship of the United States in, unto and over the Indian country, in which that of the said Cherokee Nation is included, should pass to and vest in the Confederate States, and whereby the President of the Confederate States was authorized to take military possession and occupation of all said country; and whereby all the laws of the United States with the exception thereafter made, applicable to and in force in said country, and not inconsistent with the letter or spirit of any treaty stipulations entered into with the Cherokee Nation were enacted, continued in force, and declared to be in force in said country, as laws and statutes of the Confederate States: *Provided, however,* And it is hereby agreed between the said parties, that whatever in the said laws of the United States contained, is or may be contrary to or inconsistent with any article or provision of this treaty, is to be of none effect henceforward, and shall, upon the ratification hereof, be deemed and taken to have been repealed and annulled as of the present date, and this assent, as thus qualified and conditioned, shall relate to and be taken to have been given upon the said day of the approval of the said act of Congress.

Proviso.



ARTICLE VI. The Confederate States of America do hereby solemnly guarantee to the Cherokee Nation, to be held by it to its own use and behoof in fee simple forever, the lands included within the boundaries defined in article four of this treaty; to be held by the people of the Cherokee Nation in common as they have heretofore been held, if the said nation shall so please, but with power of making partition thereof and dispositions of parcels of the same by virtue of laws of said nation duly enacted, and approved by a majority of the Cherokee people in general convention assembled; by which partition or sale, title in fee simple absolute shall vest in parceners and purchasers whenever it shall please said nation, of its own free will and accord and without solicitation from any quarter, to do so; which solicitation the Confederate States hereby solemnly agree never to use; and the title and tenure hereby guaranteed to the said nation is and shall be subject to no other restrictions, reservations or conditions, whatever, than such as are hereinafter specially expressed.

Partition and sale of lands.

ARTICLE VII. None of the lands hereby guaranteed to the Cherokee Nation shall be sold, ceded or otherwise disposed of to any foreign nation or to any State or government whatever; and in case any such sale, cession or disposition should be made without the consent of the Confederate States, all the said lands shall thereupon revert to the Confederate States.

Lands not to be sold or ceded to any foreign nation, or to any State or government.

ARTICLE VIII. The Confederate States of America do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Cherokee Nation; and that no portion of the lands guaranteed to it shall ever be embraced or included within or annexed to any Territory or Province; nor shall any attempt ever be made, except upon the free, voluntary and unsolicited application of said nation, to erect its said country, by itself or with any other, into a State or any other territorial or political organization, or to incorporate it into any State previously created.

No State or Territory to pass laws for the Cherokees.

Not to be incorporated into any other territorial or political organization.

ARTICLE IX. All navigable streams of the Confederate States and of the Indian country shall be free to the people of the Cherokee Nation, who shall pay no higher toll or tonnage duty or other duty than the citizens of the Confederate States; and the citizens of that nation living upon the Arkansas river shall have, possess and enjoy upon that river, the same ferry privileges, to the same extent in all respects, as citizens of the Confederate States on the opposite side thereof, subject to no other or a different tax or charge than they.

Navigable streams free to the Cherokees.

Ferry privileges upon the Arkansas river.

ARTICLE X. The Cherokee Nation may by act of its legislative authorities receive and incorporate in the nation as members thereof, or permit to reside and settle upon the national lands, such Indians of any other nation or tribe as to it may seem good; and may sell them portions of its land, and receive to its own use the consideration therefor; and the nation alone shall determine who are members and citizens of the nation entitled to vote at elections and share in annuities: *Provided*, That when persons of another Indian nation or tribe shall once have been received as members of the nation, they shall not be disfranchised or subjected to any other restrictions upon the right of voting than such as shall apply to the Cherokees themselves. But no Indians not settled in the Cherokee country shall be permitted to come therein to reside, without the consent and permission of the legislative authority of the nation.

Indians of other nations or tribes may be received as members.

Who entitled to vote at elections and share in annuities.

Proviso.

ARTICLE XI. As far as may be compatible with the Constitution of the Confederate States and with the laws made, enacted or adopted in conformity thereto, regulating trade and intercourse with the Indian tribes, as the same are modified by this treaty, the Cherokee nation shall possess the same otherwise unrestricted right of self-government and full jurisdiction, judicial and otherwise, over persons and property within its limit, excepting only such white persons as are not by birth, adoption or otherwise, mem-

Right of self-government and full jurisdiction over persons and property.

Exception.



White person who marries a Cherokee woman, or is permanently domiciled in the Cherokee country, taken to be a member of the nation.

White person who marries a Cherokee woman, resides in said Cherokee country, or who, without intermarrying, is permanently domiciled therein with the consent of the authorities of the nation, and votes at elections, is to be deemed and taken to be a member of the said nation within the true intent and meaning of this article; and that the exception contained in the laws for the punishment of offences committed in the Indian country, to the effect that they shall not extend or apply to offences committed by one Indian against the person or property of another Indian, shall be so extended and enlarged by virtue of this article when ratified and without further legislation, as that none of said laws shall extend and apply to any offence committed by any Indian, or negro, or mulatto, or by any white person, so by birth, adoption or otherwise a member of the Cherokee Nation against the person or property of any Indian, negro, or mulatto, or any such white person when the same shall be committed within the limits of the said Cherokee Nation as hereinbefore defined; but all such persons shall be subject to the laws of the Cherokee Nation, and to prosecution and trial before its tribunals, and punishment according to such laws, in all respects like native members of the said nation.

Exception in the law for the punishment of offences committed in the Indian country, extended and enlarged.

Intruders to be removed.

Exceptions.

Reservation of land for Indian agency.

Proviso.

Further proviso.

Forts and military posts, and military and post roads.

ARTICLE XII. All persons not members of the Cherokee Nation, as such membership is hereinbefore defined, who may be found in the Cherokee country, shall be considered as intruders, and be removed and kept out of the same either by the civil officers of the nation under the direction of the executive or legislature, or by the agent of the Confederate States for the nation, who shall be authorized to demand, if necessary, the aid of the military for that purpose; with the following exceptions only, that is to say: Such individuals with their families as may be in the employment of the Government of the Confederate States; all persons peaceably travelling, or temporarily sojourning in the country, or trading therein under license from the proper authority; and such persons as may be permitted by the legislative authority of the Cherokee Nation to reside within its limits without becoming members of the said nation.

ARTICLE XIII. A tract of two sections of land in the said nation, to be selected by the President of the Confederate States, or such officer or person as he may appoint, in conjunction with the authorities of the Cherokee Nation, at such a point as they may deem most proper, is hereby ceded to the Confederate States, for the purpose of an agency; and when selected shall be within their sole and exclusive jurisdiction, except as to offences committed therein by one member of the Cherokee Nation against the person or property of another member of the same: *Provided*, That whenever the agency shall be discontinued, the tract so selected therein shall revert to the said nation, with all the buildings that may be thereupon: *And provided also*, That the President, conjointly with the authorities of the nation may at any time select in lieu of said reserve, any unoccupied tract of land in the nation, and in any other part thereof, not greater in extent than two sections, as a site for the agency of the nation, which shall in such case constitute the reserve, and that first selected shall thereupon revert to the Cherokee Nation.

ARTICLE XIV. The Confederate States shall have the right to build, establish and maintain such forts and military posts, temporary or permanent, and such military and post roads as the President may deem necessary in the Cherokee country; and the quantity of one mile square of land, including each fort or post, shall thereby vest as by cession in the Confederate States and be within their sole and exclusive jurisdiction, except as to offences committed therein by members of the Chero-

kee Nation against the persons or property of other members of the same, so long as such fort or post is occupied; but no greater quantity of land beyond one mile square shall be used or occupied, nor any greater quantity of timber felled than of each is actually requisite; and if in the establishment of such fort, post or road, or of the agency, the property of any individual member of the Choctaw Nation, other than land, timber, stone and earth, be taken, destroyed or impaired, just and adequate compensation shall be made by the Confederate States.

ARTICLE XV. No person shall settle or raise stock within the limits of any post or fort or of the agency reserve, except such as are or may be in the employment of the Confederate States, in some civil or military capacity; or such as, being subject to the jurisdiction and laws of the Cherokee Nation, are permitted by the commanding officer of the fort or post to do so thereat, or by the agent to do so upon the agency reserve.

No person to settle or raise stock within certain limits.

ARTICLE XVI. An agent of the Confederate States for the Cherokee Nation, and an interpreter shall continue to be appointed, both of whom shall reside at the agency. And whenever a vacancy shall occur in either of the said offices, the authorities of the nation shall be consulted as to the person to be appointed to fill the same; and no one shall be appointed against whom they in good faith protest, and the agent may be removed, on petition and formal charges preferred by the constituted authorities of the nation, the President being satisfied, upon full investigation, that there is sufficient cause for such removal.

Agent and interpreter.

Vacancy in either of said offices, how filled.

ARTICLE XVII. The Confederate States shall protect the Cherokees from hostile invasion and from aggression by other Indians and white persons, not subject to the laws and jurisdiction of the Cherokee Nation; and for all injuries resulting from such invasion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the Confederate States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them committed by Indians.

Protection from invasion and aggression.

Indemnity for injuries.

ARTICLE XVIII. It is further agreed between the parties that the agent of the Confederate States, upon the application of the authorities of the Cherokee Nation, will not only resort to every proper legal remedy, at the expense of the Confederate States, to prevent intrusion upon the lands of the Cherokees, and to remove dangerous or improper persons, but he shall call upon the military power if necessary; and to that end all commanders of military posts in the said country shall be required and directed to afford him, upon his requisition, whatever aid may be necessary to effect the purposes of this article.

Prevention of intrusion upon the lands of the Cherokees, and removal of improper persons.

ARTICLE XIX. If any property of any Cherokees be taken by citizens of the Confederate States, by stealth or force, the agent, on complaint made to him in due form by affidavit, shall use all proper legal means and remedies in any State where the offender may be found to regain the property or compel a just remuneration; and on failure to procure redress, payment shall be made for the loss sustained, by the Confederate States upon the report of the agent, who shall have power to take testimony and examine witnesses in regard to the wrong done and the extent of the injury.

Property taken by stealth or force. Remedy.

ARTICLE XX. No person shall be licensed to trade with the Cherokees except by the agent, and with the advice and consent of the National Council. Every such trader shall execute bond to the Confederate States in such form and manner as was required by the United States, or as may be required by the bureau of Indian affairs. The authorities of the Cherokee Nation may, by a general law, duly enacted, levy and collect on all licensed traders in the nation, a tax of not more than one

License to traders.

Bond.

Tax on licensed traders.



half of one per cent. on all goods, wares and merchandise brought by them into the Cherokee country for sale, to be collected whenever such goods, wares and merchandise are introduced, and estimated upon the first cost of the same at the place of purchase, as the same shall be shown

Appeal from decision refusing license.

Who may trade, and what articles may be sold without license.

What goods are forfeited when exposed to sale without license.

Restrictions on the right of the Cherokees to sell and dispose of personal property, removed.

May take, hold and pass lands, by purchase or descent.

Cherokee country erected into a judicial district to be called the Chalah-ki district.

District court for such district; where to be held.

Jurisdiction co-extensive with the limits of the district.

Laws declared to be in force in the Cherokee country.

by the copies of the invoices filed with the agent. No appeal shall hereafter lie from the decision of the agent or council, refusing a license, to the Commissioner of Indian Affairs, or elsewhere, except only to the superintendent, in case of a refusal by the agent. And no license shall be required to authorize any member of the Cherokee Nation to trade in the Cherokee country; nor to authorize any person to sell flour, meats, fruits and other provisions, or stock, wagons, agricultural implements or arms brought from any of the Confederate States into the country; nor shall any tax be levied upon such articles or the proceeds of the sale thereof. And all other goods, wares and merchandise, exposed to sale by a person not qualified, without a license, shall be forfeited, and be delivered and given to the authorities of the nation, as also shall all wines and liquors illegally introduced.

ARTICLE XXI. All restrictions contained in any treaty made with the United States, or created by any law or regulation of the United States, upon the limited right of any member of the Cherokee Nation to sell and dispose of, to any person whatever, any chattel or other article of personal property, are hereby removed; and no such restrictions shall hereafter be imposed, except by their own legislation.

ARTICLE XXII. It is hereby further agreed by the Confederate States, that all the members of the Cherokee Nation, as hereinbefore defined, shall be henceforward competent to take, hold and pass, by purchase, or descent, lands in any of the Confederate States, heretofore or hereafter acquired by them.

ARTICLE XXIII. In order to secure the due enforcement of so much of the laws of the Confederate States in regard to criminal offences and misdemeanors as is or may be in force in the said Cherokee country, and to prevent the Cherokees from being further harrassed by judicial proceedings had in foreign courts and before juries not of the vicinage, the said country is hereby erected into and constituted a judicial district, to be called the Chalah-ki district, for the special purposes and jurisdiction hereinafter provided; and there shall be created and semi-annually held, within such district at Tah-le-quah, or in case of the removal of the seat of Government of the nation, then at such place as may become the seat of Government, a district court of the Confederate States, with the powers of a circuit court, so far as the same shall be necessary to carry out the provisions of this treaty, and with jurisdiction co-extensive with the limits of such district, in such matters, civil and criminal, to such extent and between such parties as may be prescribed by law, and in conformity to the terms of this treaty.

ARTICLE XXIV. In addition to so much and such parts of the acts of Congress of the United States enacted to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers as have been re-enacted and continued in force by the Confederate States, and as are not inconsistent with the provisions of this treaty, so much of the laws of the Confederate States, as provides for the punishment of crimes amounting to felony at common law or by statute, against the laws, authority or treaties of the Confederate States, and over which the courts of the Confederate States have jurisdiction, including the counterfeiting the coin of the United States or of the Confederate States, or the securities of the Confederate States, and so much of the said laws as provides for punishing violators of the neutrality laws, and resistance to the process of the Confederate States, and all the acts of the provis-



ional Congress, providing for the common defence and welfare, so far as the same are not locally inapplicable shall hereafter be in force in the Cherokee country, and the said district court shall have exclusive jurisdiction to try, condemn and punish offenders against any such laws, to adjudge and pronounce sentence, and cause execution thereof to be done in the same manner as is done in any other district court of the Confederate States.

ARTICLE XXV. The said district court of the Confederate States of America for the district of Cha-lah-ki shall also have the same admiralty jurisdiction as other district courts of the Confederate courts against any person or persons residing or found within the district; and in all civil suits at law or in equity when the matter in controversy is of greater value than five hundred dollars, between a citizen or citizens of any State or States of the Confederate States or any Territory of the same, or an alien or aliens and a citizen or citizens of the said district, or person or persons residing therein; and the Confederate States will, by suitable enactments, provide for the appointment of a judge and other proper officers of the said court, the clerk and marshal being members of the Cherokee Nation, and make all necessary enactments and regulations for the complete establishment and organization of the same, and to give full effect to its proceedings and jurisdiction.

Admiralty jurisdiction of the district for the Cha-lah-ki district.

Jurisdiction in civil cases.

Appointment of judge and other officers of the court.

ARTICLE XXVI. The said district court shall have no jurisdiction to try and punish any person for any offence committed prior to the day of the signing of this treaty; nor shall any action in law or equity be maintained therein, except by the Confederate States or one of them, when the cause of action shall have accrued before the same day of the signing hereof.

The court to have no jurisdiction in cases where the offence was committed, or the course of action accrued prior to the signing of this treaty.

ARTICLE XXVII. If any citizen of the Confederate States or any other person, not being permitted to do so by the authorities of said nation or authorized by the terms of this treaty, shall attempt to settle upon any lands of the Cherokee Nation, he shall forfeit the protection of the Confederate States, and such punishment may be inflicted upon him, not being cruel, unusual or excessive, as may have been previously prescribed by law of the nation.

Punishment of person for attempting, without authority, to settle on the lands of the Cherokees.

ARTICLE XXVIII. No citizen or inhabitant of the Confederate States shall pasture stock on the lands of the Cherokee Nation, under the penalty of one dollar per head, for all so pastured, to be collected by the authorities of the Nation; but their citizens shall be at liberty at all times, and whether for business or pleasure, peaceably to travel the Cherokee country; and to drive their stock to market or otherwise through the same, and to halt such reasonable time on the way as may be necessary to recruit their stock, such delay being in good faith for that purpose.

Who not to pasture stock on their lands.

Liberty given to travel in their country, and drive stock through the same.

ARTICLE XXIX. It is also further agreed that the members of the Cherokee Nation shall have the same right of travelling, driving stock and halting to recruit the same, in any of the Confederate States, as is given citizens of the Confederate States by the preceding article.

Cherokees may travel, drive stock, &c., in any of the C. S.

ARTICLE XXX. If any person hired or employed by the agent or by any other person whatever, within the agency reserve, or any post or fort, shall violate the laws of the nation in such manner as to become an unfit person to continue in the Cherokee country, he or she shall be removed by the superintendent, upon the application of the executive of the nation, the superintendent being satisfied of the truth and sufficiency of the charges preferred.

How persons employed within the agency reserve may be removed.

ARTICLE XXXI. Any person duly charged with a criminal offence against the laws of either the Creek, Seminole, Choctaw or Chickasaw Nations, and escaping into the jurisdiction of the Cherokee Nation, shall

Surrender of fugitives from justice.

be promptly surrendered upon the demand of the proper authority of the nation within whose jurisdiction the offence shall be alleged to have been committed; and in like manner, any person duly charged with a criminal offence against the laws of the Cherokee Nation, and escaping into the jurisdiction of either of the said nations, shall be promptly surrendered upon the demand of the proper authority of the Cherokee Nation.

ARTICLE XXXII. The Cherokee Nation shall promptly apprehend and deliver up all persons duly charged with any crime against the laws of the Confederate States, or of any State thereof, who may be found within its limits, on demand of any proper officer of the State or of the Confederate States; and in like manner any person duly charged with a criminal offence against the laws of the Cherokee Nation, and escaping into the jurisdiction of a State, shall be promptly surrendered, on demand of the executive of the nation.

Any of the Cherokee  
indicted in  
any court of the C.  
S. or State court  
entitled to process  
for witnesses.

ARTICLE XXXIII. Whenever any person, who is a member of the Cherokee Nation, shall be indicted for any offence in any court of the Confederate States, or of a State, he shall be entitled, as of common right to subpoena, and, if necessary, to compulsory process for all such witnesses in his behalf as his counsel may think necessary for his defence; and the cost of process for such witnesses and of service thereof, and the fees and mileage of such witnesses shall be paid by the Confederate States, being afterwards made, if practicable, in ease of conviction, of the property of the accused. And whenever the accused is not able to employ counsel the court shall assign him one experienced counsel for his defence, who shall be paid by the Confederate States a reasonable compensation for his services, to be fixed by the court, and paid upon the certificate of the judge.

Costs of process,  
and fees and mile-  
age of witnesses.

When accused  
may be assigned  
counsel.

Redelivery of fu-  
gitive slaves.

ARTICLE XXXIV. The provisions of all such acts of the Congress of the Confederate States as may now be in force, or as may hereafter be enacted for the purpose of carrying into effect the provisions of the Constitution in regard to the redelivery or return of fugitive slaves, or fugitives from labor and service, shall extend to and be in full force within the said Cherokee Nation; and shall also apply to all cases of escape of fugitive slaves from the said Cherokee Nation into any other Indian nation, or into one of the Confederate States; the obligation upon each such nation or State to redeliver such slaves being in every case as complete as if they had escaped from another State and the mode of procedure the same.

Cherokees com-  
petent as witnesses  
in the courts of the  
C. S.

ARTICLE XXXV. All persons, who are members of the Cherokee Nation, shall hereafter be competent as witnesses in all cases, civil and criminal, in the courts of the Confederate States, unless rendered incompetent from some other cause than their Indian blood or descent.

Faith and credit  
given to official  
acts of judicial  
officers.

ARTICLE XXXVI. The official acts of all judicial officers in the said nation shall have the same effect and be entitled to the like faith and credit everywhere, as the like acts of judicial officers of the same grade and jurisdiction in any of the Confederate States; and the proceedings of the courts and tribunals of the said nation and copies of the laws and judicial and other records of the said nation shall be authenticated like similar proceedings of the courts of the Confederate States, and the laws and office records of the same, and be entitled to like faith and credit.

Authentication  
of records, laws,  
&c.

Existing laws,  
usages and cus-  
toms in regard to  
slavery, declared  
binding.

ARTICLE XXXVII. It is hereby declared and agreed that the institution of slavery in the said nation is legal and has existed from time immemorial; that slaves are taken and esteemed to be personal property; that the title to slaves and other property having its origin in the said nation shall be determined by the laws and customs thereof; and that



the slaves and other personal property of every person domiciled in said nation shall pass and be distributed at his or her death in accordance with the laws, usages and customs of the said nation, which may be proved like foreign laws, usages and customs, and shall everywhere be held binding within the scope of their operations.

ARTICLE XXXVIII. No *ex post facto* law, or law impairing the obligation of contracts shall ever be enacted by the legislative authority of the Cherokee Nation; nor shall any citizen of the Confederate States, or member of any other Indian [nation.] or tribe be dis seized of his property or deprived or restrained of his liberty, or fine, penalty, or forfeiture be imposed on him in the said country, except by the law of the land, nor without due process of law; nor shall any such citizen be in any way deprived of any of the rights guaranteed to all citizens by the Constitution of the Confederate States.

ARTICLE XXXIX. It is further agreed that the Congress of the Confederate States shall establish and maintain post-offices at the most important places in the Cherokee Nation, and cause the mails to be regularly carried, at reasonable intervals, to and from the same, at the same rates of postages and in the same manner as in the Confederate States; and the postmasters shall be appointed from among the citizens of the Cherokee Nation.

ARTICLE XL. In consideration of the common interest of the Cherokee Nation and the Confederate States, and of the protection and rights guaranteed to the said nation by this treaty, the Cherokee Nation hereby agrees that it will raise and furnish a regiment of ten companies of mounted men, with two reserve companies, if allowed, to serve in the armies of the Confederate States for twelve months; the men shall be armed by the Confederate States, receive the same pay and allowances as other mounted troops in the service, and not be moved beyond the limits of the Indian country west of Arkansas without their consent.

ARTICLE LXI. The Cherokee Nation hereby agrees to raise and furnish, at any future time, upon the requisition of the President, such number of troops for the defence of the Indian country, and of the frontier of the Confederate States, as he may fix, not out of fair proportion to the number of its population, to be employed for such terms of service as the President may determine; and such troops shall receive the same pay and allowances as other troops of the same class in the service of the Confederate States.

ARTICLE XLII. It is further agreed by the said Confederate States that the said Cherokee Nation shall never be required or called upon to pay, in land or otherwise, any part of the expenses of the present war, or of any war waged by or against the Confederate States.

ARTICLE XLIII. It is further agreed that after the restoration of peace, the Government of the Confederate States will defend the frontiers of the Indian country, of which the Cherokee country is a part, and hold the forts and posts therein, with native troops, recruited among the several Indian nations included therein, under the command of officers of the Confederate States, in preference to other troops.

ARTICLE XLIV. In order to enable the Cherokee Nation to claim its rights and secure its interests without the intervention of counsel or agents, it shall be entitled to a delegate to the House of Representatives of the Confederate States of America, who shall serve for the term of two years, and be a native born citizen of the Cherokee Nation, over twenty-one years of age, and laboring under no legal disability by the law of the said nation; and each delegate shall be entitled to the same rights and privileges as may be enjoyed by delegates from any territories of the Confederate States to the said House of Representa-

No *ex post facto* law, or law impairing the obligation of contracts to be enacted.

Rights of personal liberty and private property, secured.

Post-offices.

Appointment of postmasters.

Cherokees to furnish a regiment, &c., to serve in the army of the C. S.

Arms.

Pay and allowances.

Troops for the defence of the Indian country and frontier of the C. S.

Pay and allowances.

Cherokees to pay no part of expenses of present or any future war.

C. S. to defend frontiers of the Indian country and hold the forts and posts.

Delegate to Congress.



tives. Each shall receive such pay and mileage as shall be fixed by the Congress of the Confederate States. The first election for delegate shall be held at such time and places, and shall be conducted in such manner as shall be prescribed by the Principal Chief of the Cherokee Nation, to whom returns of such elections shall be made, and who shall declare the person having the greatest number of votes to be duly elected, and give him a certificate of election accordingly, which shall entitle him to his seat. For all subsequent elections, the time, places and manner of holding them, and ascertaining and certifying the result, shall be prescribed by the Confederate States.

First election for delegate.  
Subsequent elections.  
Debt due by the U. S. to the Cherokee Nation.

ARTICLE XLV. It is hereby ascertained and agreed between the parties to this treaty, that the United States of America, of which the Confederate States of America were heretofore a part, were, before the separation, indebted, and still continue to be indebted to the Cherokee Nation, and bound to the punctual payment to them of the following sums annually on the first day of \_\_\_\_\_ in each year, that is to say: It was agreed by the tenth article of the treaty of the twentieth day of December, A. D., one thousand eight hundred and thirty-five that the sum of two hundred thousand dollars should be invested by the President of the United States, in some safe and most productive public stocks of the country for the benefit of the whole Cherokee Nation, in addition to the annuities of the nation theretofore payable, to constitute a permanent general fund, and that the nett income of the same should be paid over by the President annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them, the same interest to be applied annually by the council of the nation to such purposes as they might deem best for the general interests of their people; and it was agreed by the eleventh article of the same treaty, that the permanent annuity of ten thousand dollars of the Cherokee Nation should be commuted for the sum of two hundred and fourteen thousand dollars, and that the same should be invested by the President of the United States, as a part of the said general fund of the nation, which thus became four hundred and fourteen thousand dollars. And it was agreed by the tenth article of the same treaty, that the President of the United States should invest in some safe and most productive public stocks of the country, the further sum of fifty thousand dollars, to constitute a permanent orphan's fund; and that he should pay over the nett income of the same annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; which nett annual income should be expended towards the support and education of such orphan children of the Cherokees as might be destitute of the means of subsistence. And it was agreed by the tenth article of the same treaty, that the further sum of one hundred and fifty thousand dollars should be invested by the President of the United States in some safe and most productive public stocks of the country for the benefit of the whole Cherokee Nation, which should constitute, in addition to the existing school fund of the nation, a permanent school fund, the nett income whereof the President should pay over annually to such person or persons as should be authorized or appointed by the Cherokee Nation to receive the same, whose receipt should be a full discharge for the amount paid to them; and that the interest should be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as might be established in the Cherokee country; and it was estimated by the eleventh article of the same treaty that the then existing school fund of the nation amounted to about fifty thousand dollars.

which, it was thereby agreed, should constitute a part of the permanent school fund aforesaid. And it is also further agreed between the said parties to this treaty, that the United States of America while the said Confederate States were States of the said United States, did invest the whole of the said several principal sums of money, except the sum of five thousand dollars, in stocks of the States hereinafter named, and of the United States, to the amount hereinafter named in each, that is to say:

Investment of  
the principal sums  
in stocks.

*The Permanent General Fund of the Nation.*

Permanent gen-  
eral fund.

In seven per cent. stock of the State of Florida, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Georgia, one thousand and five hundred dollars, (\$1,500.)

In five per cent. stock of the State of Kentucky, ninety-four thousand dollars, (\$94,000.)

In six per cent. stock of the State of Louisiana, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Maryland, seven hundred and sixty-one [dollars] and thirty-nine cents, (\$761.39.)

In six per cent. stock of the State of Missouri, fifty thousand dollars, (\$50,000.)

In six per cent. stock of the State of North Carolina, twenty thousand dollars, (\$20,000.)

In six per cent. stock of the State of South Carolina, one hundred and seventeen thousand dollars, (\$117,000.)

In five per cent. stock of the State of Tennessee, one hundred and twenty-five thousand dollars, (\$125,000.)

In six per cent. stock of the State of Tennessee, five thousand dollars, (\$5,000.)

And in six per cent. stock of the State of Virginia, ninety thousand dollars, (\$90,000.)

Making the whole capital so invested, five hundred and seventeen thousand two hundred and sixty-one dollars and twenty-nine cents; the nett annual income whereof was and is twenty-eight thousand nine hundred and fourteen dollars and ninety-one cents.

*The Permanent Orphan Fund.*

Permanent or-  
phan fund.

In six per cent. stock of the State of Virginia, forty-five thousand dollars, (\$45,000.)

The nett annual income whereof was and is two thousand and seven hundred dollars; leaving the sum of five thousand dollars uninvested and which still so remains.

*The Permanent School Fund.*

Permanent school  
fund.

In seven per cent. stock of the State of Florida, seven thousand dollars, (\$7,000.)

In six per cent. stock of the State of Louisiana, two thousand dollars, (\$2,000.)

In five and a half per cent. stock of the State of Missouri, ten thousand dollars, (\$10,000.)

In six per cent. stock of the State of Missouri, five thousand dollars, (\$5,000.)

In six per cent. stock of the State of North Carolina, twenty-one thousand dollars, (\$21,000.)

In five per cent. stock of the State of Pennsylvania, four thousand dollars, (\$4,000.)

In six per cent. stock of the State of the South Carolina, one thousand dollars, (\$1,000.)

In six per cent. stock of the State of Tennessee, seven thousand dollars, (\$7,000.)

In the United States six per cent. loan of 1847, five thousand eight hundred dollars, (\$5,800.)

And in six per cent. stock of the State of Virginia, one hundred and thirty-five thousand dollars, (\$135,000.)

Making the whole capital so invested, of the said permanent school fund, one hundred and ninety-seven thousand eight hundred dollars, the nett annual income of whereof was and is eleven thousand eight hundred and forty-eight dollars.

All of which stocks the said United States now and do still continue to hold, or ought to have, in their hands.

Interest due on  
the principal sums  
and arrearages  
thereof.

And it is also hereby ascertained and agreed between the parties to this treaty, that there will be due to the Cherokee Nation on the first day of January, in the year of our Lord, one thousand eight hundred and sixty-two, for and on account of the said annually accruing interest on the said principal sums, and of arrearages thereof, the sum of sixty-five thousand six hundred and forty-four dollars and thirty-six cents, as follows, that is to say :

For the instalments of interest on the permanent general fund, as invested, for July, 1860, and January and July, 1861, forty-three thousand three hundred and seventy-two dollars and thirty-six cents, (\$43,372 36.)

For the instalments of interest on the permanent orphan fund, as invested and uninvested, for July, 1860, and January and July, 1861, four thousand five hundred dollars, (\$4,500.)

For the instalments of interest on the permanent school fund, as invested, for July, 1860, and January and July, 1861, seventeen thousand seven hundred and seventy-two dollars, (\$17,772.)

The U. S. assume  
the payment for  
the future, of the  
interest and arrear-  
ages.

And it not being desired by the Confederate States that the Cherokee Nation should continue to receive these annual sums of interest or the said arrearages, from the Government of the United States or otherwise have any further connection with that Government : therefore, the said Confederate States of America do hereby assume the payment for the future of the annual interest on the said sum of five thousand dollars, part of the permanent orphan fund, which was never invested, and on so much and such parts of said principal sums as, having once been invested, may now be in the hands of the United States uninvested ; and also of the annual interest on so much and such parts of the said several principal sums as may have been invested in stocks of the United States or in the bonds or stocks of any of the States other than the said Confederate States ; and do agree and bind themselves regularly and punctually hereafter, on the first day of July in each and every year, to pay the same ; and they do also agree and bind themselves to pay to the treasurer of the Cherokee Nation immediately upon the complete ratification of this treaty the said sum of sixty-five thousand six hundred and forty-four dollars and thirty-six cents for such interest and arrearages now due and which will be due on the first day of January, A. D., one thousand eight hundred and sixty-two, as are above stated.

Also the duty of  
collecting and pay-  
ing over the money  
accruing from the  
bonds of the States  
of this Confedera-

And the said Confederate States of America do hereby assume the duty and obligation of collecting and paying over as trustees to the said Cherokee Nation all sums of money not hereby agreed to be assumed and paid by them, accruing whether from interest or capital of the bonds of the several States of the Confederacy now held by the Government of the



United States as trustee for the Cherokee Nation; and the said interest and capital, as collected, shall be paid over to the said Cherokee Nation.

And the said Confederate States will request the several States of the Confederacy whose bonds are so held, to provide by legislation or otherwise that the capital and interest of such bonds shall not be paid to the Government of the United States, but to the Government of the Confederate States in trust for the said Cherokee Nation.

And the said Confederate States of America do hereby guarantee to the said Cherokee Nation the final settlement and full payment, upon and after the restoration of peace and recognition of their independence, as of debts in good faith and conscience as well as in law due and owing on good and valuable consideration by the said Confederate States and other of the United States jointly before the secession of any of the States, of any and all parts of the said several principal sums of money which may have remained uninvested in the hands of the United States, or which may have been again received by them after investment and may now be held by them; and do also guarantee to the said Cherokee Nation the final settlement and full payment, at the same period, of the capital of any and all bonds or stocks of any State not a member of the Confederacy and of any and all stocks of the United States in which any of the Cherokee funds may have been invested.

ARTICLE XLVI. All the said annual payments of interest and the arrearages shall be applied under the exclusive direction of the legislative authority of the Cherokee Nation to the support of their Government, to the purposes of education, to the maintenance of orphans, and to such other objects for the promotion and advancement of the improvement, welfare and happiness of the Cherokee people and their descendants, as shall to the legislature seem good, the same being in accordance with treaty stipulations and maintaining unimpaired the good faith of the Cherokee Nation to those persons and in regard to those objects for whom and which it has become trustee. And the capital sums aforesaid shall be invested or reinvested with any other moneys hereby guaranteed, after the restoration of peace, in stocks of the States of the Confederacy at their market price and in such as bear the highest rate of interest, or shall be paid over to the Cherokee Nation, after reasonable notice, to be invested by its authorities as its legislature may request. And no department or officer of the Government of the Confederate States shall hereafter have power to impose any conditions, limitations or restrictions on the payment to the said nation of any [of] said annual sums of interest, or of any arrearages, or in any wise to control or direct the mode in which such moneys when received by the authorities of the nation, shall be disposed of or expended.

ARTICLE XLVII. Whereas, by the treaty of the twentieth-ninth day of December, A. D., one thousand eight hundred and thirty-five, the United States of America, in consideration of the sum of five hundred thousand dollars, part of the of the sum of five millions of dollars agreed by that treaty to be paid to the Cherokee Nation for the cession of all their lands and possessions east of the Mississippi river, did covenant and agree to convey to the Cherokees and their descendants by patent in fee simple the certain tract of land between the State of Missouri and the Osage reservation, the boundary line whereof it was provided should begin at the southeast corner of the said Osage reservation and run north along the east line of the Osage lands fifty miles to the northeast corner thereof; thence east to the west line of the State of Missouri; thence with that line south fifty miles; and thence west to the place of beginning: which tract of country was estimated to contain eight hundred thousand acres of land; and whereas, the same has been seized and settled upon by lawless intruders from the northern States and may become totally lost to the Cherokees:

or held by the U. S. as trustee.

Request to the States of this Confederacy to pay their said bonds to the C. S., in trust for the Cherokee Nation.

The C. S. guarantee to the Cherokee Nation final settlement and full payment of all the principal sums of money due from the U. S.

How the annual payments of interest and the arrearages to be applied.

Investment of the capital sums.

No conditions or restrictions to be imposed on the payment of interest, &c., to the Cherokees.

Land sold by the U. S. to the Cherokees.

Boundaries.

Settled on by intruders from the northern States

Payment for the land, should it be lost to the Cherokees, guaranteed to them by the U. S.

Now, therefore, it is further hereby agreed between the parties to this treaty, that in case the said tract of country should be ultimately lost to the Cherokees by the chances of war, or the terms of a treaty of peace or otherwise, the Confederate States of America do assure and guaranty to the Cherokee Nation the payment therefor of the said sum of five hundred thousand dollars, with interest thereon at the rate of five per cent. per annum from the said twenty-ninth day of December, A. D., one thousand eight hundred and thirty-five, and will either procure the payment of the same by the United States, or pay the same out of their own treasury, after the restoration of peace.

Advancement to the Cherokee Nation after the ratification of this treaty.

ARTICLE XLVIII. At the request of the authorities of the Cherokee Nation, and in consideration of the unanimity and promptness of their people in responding to the call of the Confederate States for troops, and of their want of means to engage in any works of public utility and general benefit, or to maintain in successful operation their male and female seminaries of learning, the Confederate States do hereby agree to advance to the said Cherokee Nation, immediately after the ratification of this treaty, on account of the said sum to be paid for the said lands mentioned in the preceding article, the sum of one hundred and fifty thousand dollars, to be paid to the treasurer of the nation, and appropriated in such manner as the legislature may direct; and to hold in their hands as invested for the benefit of the said nation, the further sum of fifty thousand dollars, and to pay to the treasurer of said nation interest thereon, annually, on the first day of July in each year, at the rate of six per cent. per annum, which shall be sacredly devoted to the support of the said two seminaries of learning, and to no other purpose whatever.

Treaty of the 5th Aug. 1846, with the U. S. negotiated and concluded with three parties, to wit: the Cherokee Nation, the "treaty party" and the "western Cherokees" or "old settlers."

Money borrowed by the three parties from Corcoran and Riggs, bankers of Washington city.

Appropriation of moneys paid under the treaty.

ARTICLE XLIX. It is further ascertained and agreed by and between the Confederate States and the Cherokee Nation that the treaty of the sixth day of August, A. D., one thousand eight hundred and forty-six, was negotiated and concluded with the United States, by three several parties, that is to say, the Cherokee Nation, by delegates appointed by its constituted authorities; that portion of the nation known as "the treaty party," being those who made and those who agreed to the treaty of the year one thousand eight hundred and thirty-five; and "the western Cherokees," or "old settlers," being those who had removed west prior to the date of that treaty, and were then residing there. That the said three parties, by their delegates, after the making of the said treaty, of the year one thousand eight hundred and forty-six, borrowed from Corcoran and Riggs, bankers in the city of Washington, the sum of sixty thousand dollars, upon agreement endorsed by the Secretary of War, by which the same was to be repaid, with interest, when the moneys payable under said treaty should be appropriated, as follows, that is to say; twenty-five thousand dollars by the treaty party, twenty thousand dollars by the western Cherokees or old settler party, and fifteen thousand dollars by the Cherokee Nation. That at the session of Congress next after the making of that treaty, the sum of twenty-seven thousand dollars, for the Cherokee Nation, was appropriated under the eighth article of the same, and the sum of one hundred thousand dollars, under the sixth article, for the treaty party; but no appropriation was made for the western Cherokees or old settler party, under the fourth article, (whereunder only any moneys were payable to them,) the amount due them, and which was to be wholly paid *per capita*, under that article, not having as yet been ascertained; that consequently the sum borrowed as aforesaid, with the accrued interest, was repaid out of the two appropriations aforesaid, one half of the principal and interest which should have been paid by the western Cherokees or old settler party, being deducted from and paid out of the appropriation made for each of the others; and there being thus paid, out of the moneys so appropriated under



the eighth article, for various purposes, for the whole nation, over and above its proportion, the sum of ten thousand three hundred dollars; and out of the moneys appropriated under the sixth article, for those of the treaty party who had sustained losses and damage in consequence of the treaty of the year one thousand eight hundred and thirty-five, over and above the proportion of that party, a like sum of ten thousand three hundred dollars. That when afterwards the amount ascertained to be due to the western Cherokees or old settlers, under the fourth article, was appropriated, the whole amount was paid to and distributed among them *per capita*, and no part of the sum so advanced for them, out of the other and previous appropriations, was reserved, nor has any part thereof whatever hitherto been re-imbursed to those entitled to receive the same, by the western Cherokees, or by the United States, or otherwise howsoever.

Therefore, it is further hereby agreed that the Confederate States will pay, upon the ratification of this treaty, to the Cherokee Nation, the sum of ten thousand three hundred dollars; and will also appropriate and place in the hands of the agent for the Cherokees the further sum of ten thousand three hundred dollars, to be distributed among the claimants of the treaty party, provided for by the sixth article of the said treaty, or their legal representatives under the laws of the nation, in such proportions as it shall be certified to him by Stand Watie, the only surviving member of the committee of five, appointed under that article to audit such claims, that it ought, in accordance with the allowances made by the committee, to be distributed among them.

And it was agreed by the said eighth article of the said treaty of the year one thousand eight hundred and forty-six, that of the sum of twenty-seven thousand dollars, provided thereby to be paid to the Cherokee Nation, the sum of five thousand dollars should be equally divided among all those whose arms were taken from them previous to their removal west, by order of an officer of the United States, and of that sum of five thousand dollars, three thousand three hundred dollars was applied to the payment in part of the proportion of the money borrowed as aforesaid, due by the Western Cherokees or Old Settler party; and as the authorities of the nation declined to receive the residue of said sum of five thousand dollars, it being but one thousand seven hundred dollars, and that residue never was paid by the United States, and still remains due by them,—

Therefore, it is hereby further agreed, that the Confederate States will also pay, upon the ratification of this treaty, to the treasurer of the Cherokee Nation, the further sum of one thousand seven hundred dollars; making, with the said sum of ten thousand three hundred dollars, the sum of twelve thousand dollars; and that out of the same, the sum of five thousand dollars shall, by the authorities of the nation, be distributed among those persons, and their legal representatives, whose arms were taken from them as aforesaid: and that any part of that sum finally remaining undistributed, together with the residue of seven thousand dollars, shall be used and appropriated in such manner as the national council shall direct.

ARTICLE L. It is hereby further agreed that all claims and demands against the Government of the United States in favor of the Cherokee Nation or any part thereof, or of any individuals thereof, and which have not been satisfied, released or relinquished, arising or accruing under former treaties, shall be investigated upon the restoration of peace, and be paid by the Confederate States, which do hereby take the place of the United States and assume their obligations in that regard.

ARTICLE LI. It is further agreed between the parties that all provisions of the treaties of the Cherokee Nation with the United States,

Payments agreed to be made by the C. S. to be distributed among the claimants of the treaty party.

Payment for arms taken from the Cherokees.

The C. S. to assume the payment, upon the ratification of peace, of all claims and demands of the Cherokees against the U. S.

Certain provisions of the treaties



of the Cherokee Nation with the U. S., continued in force.

One youth, a native of the Cherokee Nation, may be selected annually, to be educated at any military school of the C. S.

Extension of the privilege to the Choctaw and Chickasaw and the Creek and Seminole nations.

General amnesty declared.

When this treaty to take effect.

which secure or guarantee to the Cherokee Nation or individuals thereof any rights or privileges whatever, and the place whereof is not supplied by, and which are not contrary to the provisions of this treaty, and so far as the same are not obsolete or unnecessary, or repealed, annulled, changed or modified by subsequent treaties or laws, or by this treaty, are and shall be continued in force, as if made with the Confederate States.

ARTICLE LIII. In further evidence of the desire of the Confederate States to advance the individual interests of the Cherokee people, it is further agreed, that the delegate in Congress from the Cherokee Nation may, with the approbation of the President, annually select one youth, a native of the nation, who shall be appointed to be educated at any military school that may be established by the Confederate States, upon the same terms as other cadets may be appointed. And the Confederate States also agree that the same privilege shall be exercised by the delegate from the Choctaw and Chickasaw Nations, and the Creek and Seminole Nations, respectively.

ARTICLE LIII. A general amnesty of all past offences against the laws of the United States, and of the Confederate States, committed in the Indian country before the signing of this treaty, by any member of the Cherokee Nation, as such membership is defined by this treaty, is hereby declared; and all such persons, if any, whether convicted or not, imprisoned or at large, charged with any such offence, shall receive from the President full and free pardon, and be discharged.

ARTICLE LIV. A general amnesty is hereby declared in the Cherokee Nation; and all offences and crimes committed by a member or members of the Cherokee Nation against the Nation, or against an individual or individuals, are hereby pardoned; and this pardon and amnesty shall extend as well to members of the nation now beyond its limits, as to those now resident therein.

ARTICLE LV. This treaty shall take effect and be obligatory upon the contracting parties, from the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-one, whenever it shall be ratified by the General Council of the Cherokee Nation, and by the provisional President and Congress, or the President and Senate of the Confederate States; and no amendment shall be made thereto by either, but it shall be wholly ratified or wholly rejected.

*In perpetual testimony whereof*, the said Albert Pike, as Commissioner, with plenary powers, on the part of the Confederate States, doth now hereunto set his hand and affix the seal of his arms; and the said Principal and assistant Principal Chiefs, Executive Councillors and Special Commissioners, on the part of the Cherokee Nation, do hereunto set their hands and affix their seals.

Thus done and interchanged in duplicate, at the place, in the year and on the day in the beginning hereof mentioned.

ALBERT PIKE,

*Commissioner of the Confederate States to the Indian Nations west of Arkansas.*

JNO. ROSS,  
*Principal Chief.*

J. VANN,  
*Assistant Chief.*

JAMES BROWN,  
*Executive Councillor.*

JOHN DREW,  
*Executive Councillor.*

WILL. P. ROSS,  
*Executive Councillor.*

LEWIS ROSS,  
*Commissioner C. N.*

THOMAS PEGG,  
*Commissioner C. N.*

RICHARD FIELDS,  
*Commissioner C. N.*



Signed, sealed and delivered in presence of us.

WM. QUESENBURY,

*Secretary to the Commissioner.*

E. RECTOR,

*Superintendent Indian Affairs Confederate States.*

W. WARREN JOHNSON,

GEO. M. MURRELL,

### RATIFICATION.

Dec. 11, 1861.

*Resolved*, (two-thirds of the Congress concurring,) That the Congress of the Confederate States of America do advise and consent to the ratification of the articles of a treaty made by Albert Pike, Commissioner of Confederate States to the Indian Nations west of Arkansas, in behalf of the Confederate States, of the one part, and the Cherokee Nation of Indians, by its Principal and Assistant Principal Chiefs, Executive Councilors and Commissioners, for that purpose only, authorized and empowered, of the other part, concluded at Tablequah, in the Cherokee Nation, on the seventh day of October, in the year of our Lord, one thousand eight hundred and sixty-one, with the following

Ratification by Congress.

### AMENDMENTS:

Amendments.

I. Add at the end of article xxxv. the following words: "And the Confederate States will request the several States of the Confederacy to adopt and enact the provisions of this article, in respect to suits and proceedings in their respective courts."

II. Strike out from article xlv. the following words: "The same rights and privileges as may be enjoyed by delegates from any Territories of the Confederate States to the said House of Representatives," and insert in lieu thereof the following words: "A seat in the hall of the House of Representatives, to propose and introduce measures for the benefit of the said nation, and to be heard in regard thereto, and on other questions in which the nation is particularly interested; with such other rights and privileges as may be determined by the House of Representatives."

III. Strike out from article xxxiii. the following words: "or of a State," and insert in lieu thereof the following words: "or of a State, subject to the laws of the State."

NOTE.—The foregoing amendments were subsequently concurred in and adopted by the Cherokee Nation.





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